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Abstract

The Earls of Desmond in the Fourteenth Century

Keith Alan Waters

Ph.D. Thesis, Department of History, University of Durham, 2004

The Desmond Geraldines, earls of Desmond after 1329, were a prominent Anglo-Irish family in the English lordship of Ireland in the fourteenth century. Their landholdings included lands in Counties Kerry, Limerick, Waterford, Cork and Tipperary, as well as the liberty of Kerry. This substantial lordship crossed cultural borders to include Gaelic regions as well as Anglo-Irish controlled areas and the Desmond Geraldines were able to exert influence and, in some cases, overlordship over the semi-autonomous Irish kingdoms beyond their borders. The earls of Desmond seem to have been particularly adept at operating in both English and Irish spheres of influence, making them crucial to the stability of southwest Ireland.

The substantial ambition and drive which had led the Desmond Geraldines to carve out this lordship did not end with the creation of the earldom of Desmond: the earls continued to attempt to bring more lands and men under their control. Their ambition brought them into conflict not just with the gentry and absentee landholders whom they were attempting to dominate but also with other powers who were trying to expand into the same areas. These conflicts, in turn, brought the earls of Desmond into conflict with the crown government and the king of England, at times jeopardising their position within the lordship. However, they also gained a substantial affinity drawn from the region; both drawn from their own lands and recruited from bordering lands.

This thesis explores these ambitions and relationships. It looks at the complex, sometimes violent, relationships between the earls of Desmond and local gentry, neighbouring magnates, absentee landholders, the royal government and the English crown as well as with the Irish. It also explores the extent of the Desmond lordship and the methods used to expand it as well as their administration and exploitation of that lordship.

The Earls of Desmond in the Fourteenth Century

Keith Alan Waters



23 JUN 2004

Submitted for the degree of Ph.D.

Department of History, University of Durham

2004

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I declare that no portion of this thesis has previously been submitted for a degree in this or any other university.


Keith A. Waters

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Abbreviations

AC	<i>The Annals of Connacht</i> , A.M. Freeman (ed.) (Dublin, 1944).
A.Clon.	<i>The Annals of Clonmacnoise</i> , D. Murphy (ed.) (Dublin, 1896) [reprint (Lampeter, 1993)].
ALC	<i>Annals of Loch Cé</i> , 2 vols., W.M. Hennessy (ed.) (London, 1871).
Admin. Ire.	H.G. Richardson and G.O. Sayles, <i>The Administration of Ireland, 1172-1377</i> (Dublin, 1963).
AFM	<i>Annala Rioghachta Eireann, Annals of the Kingdom of Ireland by the Four Masters, from the earliest period to the year 1616</i> , J. O'Donovan (ed.) 7 vols. (Dublin, 1856) [reprint (Dublin, 1990)].
AH	<i>Analecta Hibernica</i> .
AI	<i>The Annals of Inisfallen</i> , S. MacAirt (ed.) (Dublin, 1951).
BIHR	<i>Bulletin of the Institute of Historical Research</i> .
'C 81', AH, 36 (1995)	'Irish Material in the Class of Chancery Warrants Series I (C 81) in the Public Record Office, London', P.M. Connolly (ed.) AH, 36 (1995) pp. 135-161.
'C 260', AH, 31 (1984)	'List of Irish Material in the Class of Chancery Files (<i>Recorda</i>) (C. 260) in the Public Record Office, London', P.M. Connolly (ed.) AH, 31 (1984) pp. 1-19.
CChR	<i>Calendar of Charter Rolls</i> (London, 1903-).
CCR	<i>Calendar of Close Rolls</i> (London, 1892-).
CCM	<i>Calendar of the Carew Manuscripts preserved in the Archiepiscopal Library at Lambeth</i> , J.S. Brewer and W. Bullen (eds) 6 vols. (London, 1867-73).
CDI	<i>Calendar of Documents Relating to Ireland</i> , H.S. Sweetman (ed.) 5 vols. (London, 1875-86).
CFR	<i>Calendar of Fine Rolls</i> (London, 1911-).
CHS	P. O'Flanagan and C.G. Buttimer (eds) <i>Cork: History and Society</i> (Dublin, 1993).
Clyn	<i>The Annals of Ireland by Friar John Clyn and Thady Dowling, together with the Annals of Ross</i> , R. Butler (ed.) (Dublin, 1840).
CHAS	<i>Cork Historical and Archaeological Society</i> .
CIPM	<i>Calendar of Inquisitions Post Mortem</i> (London, 1904-).
CJRI	<i>Calendar of Justiciary Rolls Ireland, 1295-1314</i> , J. Mills, M. C. Griffith, A. E. Langman and H. Wood (eds) 3 vols. (Dublin, 1905-56).
COD	<i>Calendar of Ormond Deeds</i> , E. Curtis (ed.) 6 vols. (Dublin, 1932-1943).
CMCS	<i>Cambridge Medieval Celtic Studies</i> [1-25 (1981-93)] continued as <i>Cambrian Medieval Celtic Studies</i> [26- (1993-)].
Complete Peerage	<i>Complete Peerage of Great Britain and the United Kingdom</i> , G.E. Cokayne (ed.) 14 vols. (London, 1910-98).
CPR	<i>Calendar of Patent Rolls</i> (London, 1891-).
Doc. Aff.	<i>Documents on the Affairs of Ireland before the King's Council</i> , G.O. Sayles (ed.) (Dublin, 1979).
Early Statutes	<i>Statutes, Ordinances, and Acts of the Parliament of Ireland, King John to Henry V</i> , H.F. Berry (ed.) (Dublin, 1907).

<i>EcHR</i>	<i>Economic History Review.</i>
<i>EHR</i>	<i>English Historical Review.</i>
<i>Foedera</i>	<i>Foedera, Literae, Conventiones etc.</i> , T. Rymer (ed.) (London, 1816-69).
Frame, <i>English Lordship</i>	R.F. Frame, <i>English Lordship in Ireland</i> (Oxford, 1982).
<i>Grace</i>	<i>The Annals of Ireland by James Grace of Kilkenny</i> , R. Butler (ed.) (Dublin, 1842).
<i>IEP</i>	<i>Irish Exchequer Payments, 1270-1446</i> , P.M. Connolly (ed.) (Dublin, 1998).
<i>IHS</i>	<i>Irish Historical Studies.</i>
ITS	Irish Text Society.
<i>JCHAS</i>	<i>Journal of the Cork Historical and Archaeological Society.</i>
<i>JCLAHS</i>	<i>Journal of the County Louth Archaeological and Historical Society.</i>
<i>JKAHS</i>	<i>Journal of the Kerry Archaeological and Historical Society.</i>
<i>JRSAI</i>	<i>Journal of the Royal Society of Antiquaries of Ireland.</i>
Leg. Proc.	'The legal proceedings against the first earl of Desmond', G.O. Sayles (ed.) <i>AH</i> , 23 (1966) pp. 1-47.
LPL	Lambeth Palace Library.
Lydon (ed.) <i>England and Ireland</i>	J.F. Lydon (ed.) <i>England and Ireland in the Later Middle Ages: Essays in Honour of Jocelyn Otway-Ruthven</i> (Dublin, 1981).
Lydon (ed.), <i>Law and disorder</i>	J.F. Lydon (ed.) <i>Law and disorder in Thirteenth-Century Ireland: the Dublin Parliament of 1297</i> (Dublin, 1997).
Lydon, <i>Lordship</i>	J.F. Lydon, <i>The Lordship of Ireland in the Middle Ages</i> (Dublin, 1972) [2 nd edition (Dublin, 2003)]. References will be given to both the first and the recent second editions of this work. The initial reference will be to the first edition with the reference to the second edition following it in brackets. For example: Lydon, <i>Lordship</i> , p. 198 [2 nd p. 130].
NAI	National Archives, Ireland.
<i>NHI</i>	<i>New History of Ireland</i> , 10 vols. (1976-).
<i>NILQ</i>	<i>Northern Ireland Legal Quarterly.</i>
NLI	National Library of Ireland.
<i>NMAJ</i>	<i>North Munster Antiquarian Journal.</i>
Nicholls, <i>Gaelic Ireland</i>	K.W. Nicholls, <i>Gaelic and Gaelicised Ireland</i> (Dublin, 1972) [2 nd edition (Dublin, 2003)]. References will be given to both the first and the recent second editions of this work. The initial reference will be to the first edition with the reference to the second edition following it in brackets. For example: Nicholls, <i>Gaelic Ireland</i> , p. 154 [2 nd p. 182].
Orpen, <i>Normans</i>	G.H. Orpen, <i>Ireland under the Normans</i> , 4 vols. (Oxford, 1911-20).
Otway-Ruthven, <i>Med. Ire.</i>	A.J. Otway-Ruthven, <i>A History of Medieval Ireland</i> (London, 1968) [reprint (New York, 1993)].
<i>Papal Registers: Petitions</i>	<i>Calendar of the Entries in the Papal Registers relating to Great Britain and Ireland: Petitions to the Pope</i> , W.H. Bliss (ed.) (London, 1893-).
<i>Papal Registers: Letters</i>	<i>Calendar of the Entries in the Papal Registers relating to Great Britain and Ireland: Papal Letters</i> , W.H. Bliss, C. Johnson and J.A. Twemlow (eds) (London, 1893-).
<i>Pipe Roll of Cloyne</i>	<i>The Pipe Roll of Cloyne</i> , P. MacCotter and K.W. Nicholls (eds) (Cork, 1996).
<i>PRIA</i>	<i>Proceedings of the Royal Irish Academy.</i>

PRO	The National Archives, Public Records Office (Kew).
<i>Proc. King's Council, Ire., 1392-3</i>	<i>A Roll of the Proceedings of the King's Council in Ireland for a Portion of the Sixteenth Year of the Reign of Richard the Second A.D. 1392-3</i> , J. Graves (ed.) (London, 1877).
<i>Rep. DKI</i>	<i>Reports of the Deputy Keeper of the Public Records of Ireland.</i>
RCH	<i>Rotulorum Patentium et Clausorum Cancellariæ Hiberniæ Calendarium</i> , E. Tresham (ed.) (Dublin, 1828).
RP	<i>Rotuli Parliamentorum</i> , 7 vols. (London, 1783-1832).
RS	<i>Rotuli Scotiæ in Turri Londinensi et in Domo Capitulari Westmonasteriensi asservati</i> , 2 vols. (London, 1814-19).
'SC 8', <i>AH</i> , 34 (1987)	'Irish Material in the Class of Ancient Petitions (SC8) in the Public Record Office London', P.M. Connolly (ed.) <i>AH</i> , 34 (1987) pp. 1-106.
SH	<i>Studia Hibernica.</i>
<i>St. Mary's Abbey</i>	<i>Chartularies of St. Mary's Abbey, Dublin</i> , J.T. Gilbert (ed.) 2 vols. (London, 1884).
TCD	Trinity College, Dublin (University of Dublin).
THS	W. Nolan and T.G. McGrath (eds) <i>Tipperary: History and Society</i> (Dublin, 1985).
TRHS	<i>Transactions of the Royal Historical Society.</i>
UCL	University of Cambridge Library.
WHR	<i>Welsh Historical Review.</i>
WHS	W. Nolan and T.P. Power (eds) <i>Waterford: History and Society</i> (Dublin, 1992).

Introduction

The history of the Geraldines in Ireland dates back to the arrival of the first English invaders in Ireland. One branch of that family, the Desmond Geraldines, soon established itself in southwest Ireland (in the region of the pre-invasion kingdom of Desmond - a region including portions of the modern counties of Cork, Kerry and Limerick). The family became one of the most prominent magnate families in Munster, a position which was cemented in 1329 with the creation of the earldom of Desmond.¹ However, the earls of Desmond have long been seen as a power on or beyond the fringe of English control; an image based on the Desmond revolts of the Tudor period.

The fourteenth-century earls of Desmond have also fared badly in the historiography of medieval Ireland: the first earl (b.c.1293-d.1356, cr. earl 1329) is portrayed as land-hungry, rebellious and tyrannical, the short life of the second earl (b.1336-d.1357) is all but ignored, and the third earl (b.c.1338-d.1398) is seen as the epitome of the degenerate Anglo-Irish - more Gaelic warlord than English magnate. In the first and third instances, this is due to uncritical, or at least insufficiently critical, use of limited and/or unusual source material, but the second instance is, more justifiably, due to an almost total lack of material. However, by looking at the evolution of these historiographical models of the first three earls of Desmond, the origins of these conceptions become clear and the following five chapters will show that some of these views are, in fact, misconceptions

Prior to Orpen's *Ireland under the Normans*,² the history of the Desmond Geraldines was based as much on myths and legends as on fact. One early author tells us that the first earl cleared the Irish sea of pirates: such unfounded stories predominate.³ After

¹ See below, pp. 13-16.

² G.H. Orpen, *Ireland under the Normans*, 4 vols. (Oxford, 1911-20).

³ D. O'Daly, *The Rise, Increase, and Exit of the Geraldines, earls of Desmond, and persecution after their Fall*, Meehan (ed.) (Dublin, 1878) p. 40.



the first earl, antiquarian histories tend to get lost in incorrect genealogies and fable for the rest of the period under discussion; for instance Gerald fitz Maurice, the third earl of Desmond, is labelled the fourth earl and said to be a great magician.⁴ This changed early in the twentieth century with the publication first of Orpen's *Ireland under the Normans* and then Curtis's *A History of Medieval Ireland from 1110 to 1513*.⁵

The first earl of Desmond, Maurice fitz Thomas has received far more attention than his sons and successors the second and third earls. Orpen covered only the early stages of Maurice fitz Thomas's career but he treated fitz Thomas with a great deal more care and attention to the medieval source material than had the antiquarians of the previous century. He sought to link the violence in early fourteenth-century Munster into English court politics. Though well argued, his theories failed to stand up to careful scrutiny;⁶ however, these theories do remind us that English politics did play a significant part in Irish affairs in the fourteenth century. In the politically charged 1920s, Maurice fitz Thomas's apparent defiance of royal ministers saw him incorrectly portrayed as an early Anglo-Irish patriot by Curtis who drew parallels between Maurice's actions (both real and perceived) and eighteenth-century events.⁷

Then, towards the middle of the twentieth century, Sayles came across a series of inquisitions concerning the earl of Desmond in the National Archives, Public Record Office in England. These inquisitions accused Maurice fitz Thomas of a number of criminal actions and abuses of power as well as more serious charges such as conspiring to seize all of Ireland and to rule there as 'papal vicar' or king.⁸ These records were initially greeted as the answer to many of the questions which surrounded Desmond's career and Sayles's title

⁴ O'Daly, *The Rise, Increase, and Exit of the Geraldines*, p. 41.

⁵ E. Curtis, *A History of Medieval Ireland from 1110 to 1513* (Dublin, 1923). [Most historians will be more familiar with the substantially revised second edition: E. Curtis, *A History of Medieval Ireland from 1086 to 1513* (London, 1938)].

⁶ Frame, *English Lordship*, pp. 176-82.

⁷ Curtis, *A History of Medieval Ireland from 1110 to 1513* (Dublin, 1923) pp. 257-61 [second edition: Curtis, *A History of Medieval Ireland from 1086 to 1513* (London, 1938) pp. 214-18]. Only the second edition will be cited hereafter.

⁸ KB 27/364/18, mm. 1-8d; Leg. Proc., pp. 1-47; G.O. Sayles, 'The rebellious first earl of Desmond', Watt, Morrall and Martin (eds) *Medieval Studies Presented to Aubrey Gwynn, S.J.* (Dublin, 1961) pp. 203-29.

'The rebellious first earl of Desmond' became a familiar epithet for Maurice fitz Thomas. This has been the dominant view ever since. Sayles states that 'the activities of the first earl of Desmond made orderly government in the south-west of Ireland very largely impossible.'⁹ Lydon refers to his career as 'a sordid chapter of rebellion and crime.'¹⁰ O'Brien insinuates that Maurice fitz Thomas's entire career was a rebellion, a notion O'Byrne tends to agree with as well.¹¹ Watt goes so far as to refer to Desmond as a 'megalomaniac.'¹² Even the most recent general history of Medieval Ireland, *Ireland in the Middle Ages* by Seán Duffy, continues in this tone:

One of the most notorious examples of that [referring to '...abuses of power...'] was the first earl of Desmond, Maurice fitz Thomas. This man, while allegedly acting as an instrument of royal authority in the extreme south-west, in reality maintained a vast private army which he encouraged to ravage the countryside in pursuit of food and drink, and which he billeted on the local inhabitants wherever they went, precisely the same sort of onerous exaction (what later became known as 'coyne and livery') practised by native Irish kings. ... After a long career of murder and robbery and alleged treason the rebellious first earl of Desmond ended his career in 1356 as chief governor of Ireland.¹³

In part, this open acceptance that Desmond was an unrepentant rebel was probably made easier by the behaviour of the fifteenth- and sixteenth-century earls who were, in fact, rebels: the sins of the sons visited upon the fathers.¹⁴ This new reliance on 'fact' may have given us an only slightly better picture than the swashbuckling first earl and Gerald the wizard.

However, despite Sayles's seemingly wholesale acceptance of the evidence given in the inquisitions against Maurice fitz Thomas, some scepticism remained. Sayles himself, prior to publishing the legal proceedings against the first earl of Desmond, said of them that 'there can be no doubt that everything that could be alleged against him was brought

⁹ Sayles, 'Rebellious first earl of Desmond', p. 203.

¹⁰ Lydon, *Lordship*, p. 198 [2nd p. 130].

¹¹ A.F. O'Brien, 'The Territorial Ambitions of Maurice fitz Thomas, First Earl of Desmond,' *PRIA*, C, 84 (1982) p. 59; E. O'Byrne, *War, Politics, and the Irish of Leinster* (Dublin, 2003) pp. 87-92, 96.

¹² J.A. Watt, 'Gaelic polity and cultural identity', *NHI*, ii, p. 356;

¹³ S. Duffy, *Ireland in the Middle Ages* (London, 1997) p. 147.

¹⁴ Sir John Davies had taken a similar line on the fourteenth-century earls in the seventeenth century around the time of the execution of the last earl of Desmond for treason (J. Davies, *A Discovery of the True Causes why Ireland was Never Entirely Subdued*, Myers (ed.) (Washington, D.C., 1988) pp. 156, 182-6).

forward'¹⁵ - he had been charged with everything possible whether or not the charges could be made to stick in a court of law. Otway-Ruthven, despite lending some support to the wholesale acceptance of these accusations,¹⁶ avoided the more outrageous claims in her *A History of Medieval Ireland*. Then in 1982, Frame dismissed the wilder claims as highly implausible.¹⁷ The first significant study of the inquisitions after this came in Mogdan's 1996 M.Phil thesis, 'Examining the Evidence: Maurice fitz Thomas and the "Legal Proceedings"', in which he exposed a number of inconsistencies and problems within the juries' accusations, justifying Frame's scepticism.¹⁸ The problems with the legal proceedings against Maurice fitz Thomas will be addressed briefly below and in more detail throughout this thesis. Unfortunately, Mogdan's thesis has proved largely inaccessible because the Trinity College, Dublin library does not hold a copy¹⁹ and so little use has been made of it.

The second and third earls of Desmond, Maurice fitz Maurice and Gerald fitz Maurice, are largely absent from the historiography. Maurice fitz Maurice, the second earl of Desmond, is usually only noted for his marriage to Beatrice Stafford, his brief career as earl and his early death. However, this is due mainly to the scarcity of source material and the second earl's limited role in Ireland. Some information does survive, and will be discussed below, but it impacts only slightly on the wider lordship of Ireland. The third earl, Gerald fitz Maurice, also made only a small impact on the historiography due to the limited information available regarding his career as earl despite the fact that he held the title for almost forty years. More information does survive concerning the third earl than is

¹⁵ H.G. Richardson and G.O. Sayles, 'Irish Revenue, 1278-1384', *PRIA*, C, 62 (1962) p. 97.

¹⁶ A.J. Otway-Ruthven, 'The chief governors of Medieval Ireland', *JRSAL*, 95 (1965) pp. 235.

¹⁷ Frame, *English Lordship*, pp. 180-1, 211-13. See also Frame, *English Lordship*, p. 214, n. 79.

¹⁸ S.C. Mogdan, 'Examining the Evidence: Maurice fitz Thomas and the "Legal Proceedings"', M.Phil. thesis (TCD, 1996).

¹⁹ It is my understanding that due to the thesis not being bound to the library's specifications, the library copy was refused. Because TCD M.Phil. theses are made available in the library at the request of the Department of Medieval History rather than as a requirement for the degree, no properly bound copy has since been demanded or submitted. My thanks to Stephen Mogdan for allowing me to consult the copy held by the department of Medieval History, Trinity College, Dublin and to Katharine Simms and Seán Duffy of TCD for contacting Stephen Mogdan on my behalf and making the departmental copy available to me.

generally acknowledged but there is a certain ambiguity about many of the details of his career because the information that survives is sporadic and we rarely find much detail about any single event. The disparity of opinion which has resulted from this ambiguity is striking. Richardson and Sayles tell us he avoided office, whereas Watt tells us he 'filled a variety of posts under the crown'.²⁰ Harbison and Curtis tell us that he was highly gaelicized but Watt shows some doubt and Quinn points out that 'all three of these lordships [the earldoms of Ormond, Kildare, and Desmond] faced two ways: on the one hand towards Dublin and London, and on the other towards their friendly or hostile neighbours, in whose shifting alliances and recurrent wars they were closely involved.'²¹ In fact the one thing that most historians and even the medieval annalists agree on is that he was a great poet... except that he wasn't: Gerald fitz Maurice 'was not a great poet and it is doubtful if this collection would have survived were it not for his exalted public position.' 'The approach is bardic, the ideas are bardic, but the metrical technique is amateur.'²² Otway-Ruthven, on the other hand, says little about him aside from reporting some of his activities, particularly those which impacted upon the wider lordship of Ireland - avoiding all these arguments.

The harshest treatment of Gerald fitz Maurice comes in Harbison's M. Litt. thesis, 'William of Windsor in Ireland, 1369-76'. Harbison accuses him of being 'partly assimilated into Gaelic Ireland' and states that 'a man of such divided loyalties could never be wholly trusted by the English administration' - linking acculturation with disloyalty to the crown.²³ She also accuses him of incompetence for being captured by the Uí Briain in 1370 and failing to solve the de Bermingham/Preston feud.²⁴ However, on these grounds

²⁰ H.G. Richardson and G.O. Sayles, *The Irish Parliament in the Middle Ages* (Philadelphia, 1952) pp. 34-5; J.A. Watt, 'The Anglo-Irish colony under strain, 1327-99', *NHI*, ii, p. 358.

²¹ S.H. Harbison, 'William of Windsor in Ireland, 1369-76', M.Litt. thesis (TCD, 1977) p. 40; Curtis, *Medieval Ireland*, pp. 234, 280-1; Watt 'The Anglo-Irish colony', p. 358; D.B. Quinn, 'Aristocratic autonomy, 1460-94', *NHI*, ii, p. 593.

²² J. Carney, 'Literature in Irish, 1169-1534', *NHI*, ii, p. 698. See also *A. Clon.*, pp. 319-20; *AU*, iii, pp. 40-1, fn. 6; J.F. Lydon, 'The Problem of the Frontier in Medieval Ireland', *Topic*, 13 (1967) p. 20.

²³ Harbison, 'William of Windsor in Ireland', p. 40.

²⁴ Harbison, 'William of Windsor in Ireland', pp. 100-1. The Bermingham/Preston feud revolved around Walter de Bermingham's co-heiresses (his 2 daughters), one of whom was married to a Preston.

most of the justiciars of Ireland would be labelled as incompetent and nearly all the Anglo-Irish would be disloyal. This portrayal of Gerald fitz Maurice results from the agenda behind the thesis. Harbison set out to reassess William of Windsor but in her eagerness to restore his name, she loses sight of the middle ground. She presents a version of the 1360s and 1370s in which William of Windsor could do no wrong and the Anglo-Irish magnates were all too degenerate and disloyal to support him. Gerald's most ardent supporter among modern historians was Curtis, who cast him as a man loved by both the Irish and the Anglo-Irish - the successor to his father's role as Anglo-Irish patriot; a view which must be treated with the same care as Curtis's work on the first earl of Desmond.²⁵ The arguments at the extremes, Harbison and Curtis, are flawed, but the views of the other historians put forward above are largely accurate despite their apparent contradictions. In part, the ambiguity surrounding the third earl's career is the result of the lack of a coherent narrative of that career.

As has been suggested, the problems in the historiography regarding the fourteenth-century earls of Desmond highlighted above are, at least in part, due to the limited sources. The primary source material available for the Desmond Geraldines in the fourteenth century is very incomplete. There are no surviving collections of Desmond Geraldine documents from the fourteenth century or before. There are no Irish annals compiled in the region after the *Annals of Inisfallen* effectively end in 1326 and many of the Anglo-Irish annals and chronicles do not cover the whole of the fourteenth century. Munster also lacks the bishops' registers and the monastic cartularies which have proved to be crucial sources for the see of Armagh and the region around Dublin, respectively. However, substantial collections of documents do survive for another prominent Munster family: the Butlers, earls of Ormond.²⁶ The manuscripts collected and transcribed by Sir George Carew during the late sixteenth and early seventeenth century, though predominantly later, also contain important

²⁵ Curtis, *Medieval Ireland*, pp. 234, 280-1.

information.²⁷ Useful material also survives among the documents of the Offaly Geraldines, the earls of Kildare who also had lands and connections in Munster.²⁸

Of these collections, the Ormond Deeds are the most important. The earldom of Ormond with its liberty of Tipperary was created only a year before the earldom of Desmond and the liberty of Kerry and the two creations were nearly identical. These two earldoms and liberties (both in Munster and held by magnates who were initially allies) therefore followed very similar paths in their early development.²⁹ The existence of a nearly identical liberty with an excellent collection of documents supplies the historian with a point of reference and makes it possible to extrapolate considerably more from the limited information regarding the liberty of Kerry.

The records produced by the fledgling bureaucracy of the crown government in England and Ireland are the most complete source. However, few of the records produced by the crown government in Ireland survive in the original - most were destroyed by fire in 1922 and only nineteenth-century calendars survive.³⁰ Calendars of the Irish patent and close rolls for most of the fourteenth century³¹ and calendars of the pipe rolls for the first half of the century have been published.³² Unpublished calendars of the Irish memoranda rolls also survive, but the quality varies greatly from volume to volume.³³ Calendars of the justiciary rolls have been published for the early period of the fourteenth century. And unpublished calendars of additional justiciary rolls as well as common bench rolls also

²⁶ NLI D series (the Ormond deeds); *Calendar of Ormond Deeds*, E. Curtis (ed.) 6 vols. (Dublin, 1932-1943); *The Red Book of Ormond*, N.B. White (ed.) (Dublin: IMC, 1932).

²⁷ LPL MSS 596-638; *Calendar of the Carew Manuscripts preserved in the Archiepiscopal Library at Lambeth*, J.S. Brewer and W. Bullen (eds) 6 vols. (London, 1867-73).

²⁸ *The Red Book of the Earls of Kildare*, G. Mac Niocaill (ed.) (Dublin: IMC, 1964).

²⁹ C.A. Empey, 'The Butler lordship in Ireland, 1185-1515', Ph.D. thesis (TCD, 1970) pp. 364-391.

³⁰ P.M. Connolly, *Medieval Record Sources* (Dublin, 2002) pp. 9-10.

³¹ *Rotulorum Patentium et Clausorum Cancellariæ Hiberniæ Calendarium*, E. Tresham (ed.) (Dublin, 1828).

³² 35-40, 42-5, 47, 52-4 Rep. DKI.

³³ NAI RC 8/1-33. See also J.F. Lydon, 'Survey of the Memoranda Rolls of the Irish Exchequer, 1294-1509', *AH*, 23 (1966), pp. 49-134; Connolly, *Medieval Record Sources*, pp. 53-4. Two original rolls survive: NAI EX 1/1-2.

survive for portions of the fourteenth century.³⁴ Additional records (and medieval copies of original records) produced by the crown government in Ireland also survive in the National Archives, Public Record Office in England. The most important of these are legal records regarding the first earl of Desmond (discussed below) and copies of issue and receipt rolls from the Irish exchequer.³⁵ A portion of the latter material has been published by Connolly in *Irish Exchequer Payments, 1270-1446*.³⁶ The remainder, particularly the receipt rolls, must still be consulted in the original.

In light of the destruction of the administrative records of Ireland in 1922, the importance of the records produced by the crown government in England (now in the PRO) would be difficult to exaggerate. These records serve not only to show the effect of events in England on Ireland but also to shed light on events in Ireland. Calendars have been produced for a wide range of these documents and rolls including the English patent rolls, close rolls, fine rolls, charter rolls, parliament rolls and inquisitions *post mortem*. Sweetman's *Calendar of Documents relating to Ireland* draws on a wide range of records to 1307. Further calendars and finding aids for material relevant to Ireland in some categories of documents housed at the PRO have been produced by individual historians.³⁷ A limited amount of information regarding the earldom of Desmond can also be gleaned from administrative records from further afield such as the papal archives in Rome (also available in calendared form).³⁸

There are two further unusual contemporary sources for the period in question which supply a great deal of information but also must be used with considerable care. The

³⁴ *Calendar of Justiciary Rolls Ireland, 1295-1314*, J. Mills, M. C. Griffith, A. E. Langman and H. Wood (eds) 3 vols. (Dublin, 1905-56); NAI RC 8/1-6, 8, 10, 14-15, 17-20, 23. See also the NAI KB 2/1-12. One original roll does survive: NAI KB 1/1.

³⁵ PRO E 101/230-48; PRO KB 27/364/18 See below, pp. 9-11.

³⁶ *Irish Exchequer Payments, 1270-1446*, P.M. Connolly (ed.) (Dublin, 1998).

³⁷ 'SC 8', *AH*, 34 (1987) pp. 1-106; 'C 81', *AH*, 36 (1995) pp. 135-161; 'C 260', *AH*, 31 (1984) pp. 1-19; 'List of Irish Entries on the Memoranda Rolls of the English Exchequer, 1307-27', P.M. Connolly (ed.) *AH*, 36 (1995) pp. 163-222; 'Miscellanea of the Chancery, London', J. Hogan (ed.) *AH*, 1 (1930) pp. 179-218; Connolly, *Medieval Record Sources*.

³⁸ *Calendar of the Entries in the Papal Registers relating to Great Britain and Ireland: Papal Letters*, W.H. Bliss, C. Johnson and J.A. Twemlow (eds) (London, 1893-); *Calendar of the Entries in the Papal Registers relating to Great Britain and Ireland: Petitions to the Pope*, W.H. Bliss (ed.) (London, 1893-).

first of these sources is the legal proceedings against the first earl of Desmond. This series of inquisitions taken during the 1330s and 1340s survives because copies were sent to Westminster in 1351. These inquisitions purport to shed light on Desmond's activities during this period; however the motives and events described in them can not be taken at face value.

Few similar sets of inquisitions survive for this period, in part because the summoning of presentment juries to investigate a single individual was uncommon.³⁹ Mogdan drew attention to the fact that in the most similar set of legal proceedings, the proceedings against John Molyns, many of the accusations made in the initial inquisitions were dismissed in court when the matter went to trial.⁴⁰ In part, this was due to the nature of presentment juries: these juries were asked to put forward not only their knowledge of local crimes but also local suspicions and rumours.⁴¹ A further comparison should perhaps also be drawn with the legal attacks on William of Windsor and several of his ministers later in the fourteenth century where, again, most of the charges were dismissed.⁴² In both cases, the charges which were found to be true, while illegal, were also common practice. The scepticism thus engendered is hardly weakened by the king's decision not to prosecute any of the charges. That decision was largely a political one, owing much to the importance of the first earl to the stability of the English lordship in south-west Munster, but it also suggests that the accusation of a widespread plot to make Desmond king of Ireland sounded as unlikely to Edward III as it does to modern historians such as Mogdan and Frame.⁴³

However, the lack of a trial or further investigation into the accusations makes it difficult to determine the true circumstances of the events described. Few of the actual events outlined in the inquisitions are wholly fictitious. However sometimes other records

³⁹ Mogdan, 'Examining the evidence', pp. 15-16; J. Bellamy, *Crime and Public Order in England in Later Middle Ages* (London, 1973) p. 122.

⁴⁰ Mogdan, 'Examining the evidence', p. 16; N. Fryde, 'A medieval robber baron Sir John Molyns of Stoke Poges, Buckinghamshire', Meekings (ed) *Medieval Legal Records* (London, 1978) pp. 197-221.

⁴¹ Bellamy, *Crime and Public Order*, pp. 124-5.

⁴² M.V. Clarke, 'William of Windsor in Ireland, 1369-76', *Fourteenth Century Studies* (Oxford, 1937) pp. 146-241.

⁴³ See Chap. 1, pp. 61-3, 79-80.

give different accounts or suggest that the juries have omitted relevant details. For example, Maurice fitz Thomas was accused of the theft of £40 from Philip le Joesne in April 1331.⁴⁴ However, court records from four years later show that Maurice fitz Thomas was engaged in a legal dispute with the le Joesnes and other landholders in Adare over his rights there; a legal dispute which had already seen the men of Adare resisting the earl with violence.⁴⁵ It is possible that this accusation represents an earlier stage in that dispute. Another incident, the arrest of several merchants at an Adare market, might be similarly related.⁴⁶ In another example, additional detail is available from another source. Maurice fitz Thomas was said to have unlawfully blinded William fitz Nicholas of the fitz Maurices of Kerry and executed some of his men for killing an Irish felon.⁴⁷ However, Maurice's actions were taken in response to the killing of Diarmait Óc Mac Carthaigh, king of Desmond by William fitz Nicholas and his men.⁴⁸

These inquisitions were held to gather as many charges against Desmond as possible. The truth or accuracy of these charges and the additional circumstances relating to events were not yet an issue - such questions were unimportant until Desmond was put on trial. Even the meeting at which a number of magnates and gentry were said to have agreed to make Desmond king probably has some basis in fact - though it is more likely that such a meeting was to discuss the possible arrival of an embattled and pursued Edward II in Ireland or, more likely, to bring reluctant magnates into cooperation with the new administration.⁴⁹

The veracity of these inquisitions is further undermined by inconsistencies and vague charges regarding oppression and tyranny (often without examples and, therefore, unverifiable). But perhaps the most important factor to consider when using them is that in most cases Desmond was probably guilty. But so was every other magnate in Ireland.

⁴⁴ Leg. Proc., p. 11.

⁴⁵ NAI RC 8/19, pp. 192, 502; RC 8/20, p. 176.

⁴⁶ Leg. Proc., p. 10.

⁴⁷ Leg. Proc., p. 9.

⁴⁸ K.W. Nicholls, 'The fitzMaurices of Kerry', *JKAHS*, 3 (1970) p. 33; Clyn, p. 17; Leg. Proc., p. 9. See Chap. 4, pp. 216-17.

Many of the accusations made in the 1330s were concerned with Maurice fitz Thomas's feud with the le Poers and Burghs and fitz Thomas's 'route' (a small standing army quartered on the local populace). James Butler, John de Bermingham earl of Louth, the le Poers and the Burghs all took part in the feud and, despite Sir John Davies's accusation (made in 1612) that Desmond was the first Anglo-Irish lord to use coyne and livery,⁵⁰ the earls of Ulster kept a 'route' as well.⁵¹ Even Desmond's supposed plan to seize the justiciar was not new: Maurice fitz Maurice of the Offaly Geraldines had done it in 1264 and the earl of Ormond would do the same in 1357.⁵² Even the accusations regarding Desmond's royal aspirations are not original. Richard de Burgh, earl of Ulster was accused (spuriously) of aiding Edward Bruce in his bid to be king of Ireland (1315-18).⁵³

The other extraordinary contemporary source available for the study of the Desmond Geraldines is the poetry of the third earl of Desmond. A collection of thirty poems written in Irish by Desmond has been published by Mac Niocaill.⁵⁴ A few other poems, some of which are less definitely attributed to Gerald fitz Maurice, as well as a few translations, are scattered through a number of other works.⁵⁵ The subject matter covered by these poems ranges from romance to politics but nearly all the poems with political/historical content are among those published by Mac Niocaill in *Studia Hibernica*. A few further poems written to the earls of Desmond also survive.⁵⁶

⁴⁹ See Chap. 1, p. 62.

⁵⁰ Watt, 'The Anglo-Irish colony', p. 356; J. Davies, *A Discovery*, p. 184.

⁵¹ Simms, 'Gaelic warfare in the middle ages', *A Military History of Ireland*, Bartlett and Jeffery (eds) (Cambridge, 1996) pp. 108-10; *Caithréim Thoirdhealbhaigh*, O'Grady (ed.) ITS, 27 (London, 1929) p. 57.

⁵² Lydon, *Lordship*, pp. 121-2 [2nd pp. 91-2]; Frame, *English Lordship*, p. 298.

⁵³ C. McNamee, *The Wars of the Bruces: Scotland, England and Ireland 1306-1328* (East Lothian, 1997) p. 182; R.M. Haines, *King Edward II* (London, 2003) p. 295.

⁵⁴ G. Mac Niocaill, 'Duanaire Ghearóid Iarla', *SH*, 3 (1963) pp. 7-59.

⁵⁵ T. M'Lauchlin, *The Dean of Lismore's Book* (Edinburgh, 1862) pp. 105-6, 78-80; *Danta Gradha*, Ó Rathile (ed.) (Cork, 1976) p. 4; *Reliquiae Celticae*, A. Cameron (ed.) (Inverness, 1892) pp. 106-7, 109; G. Ó Murchu, 'A Ughdar so Gearoid', *Eigse* ii (1940) p. 64; K.H. Jackson, *Celtic Miscellany* (London, 1971) pp. 101-2, no. 44; E.C. Quiggin, *Poems from the Book of the Dean of Lismore* (Cambridge, 1913) pp. 76-9, 82.

⁵⁶ 'A Ghearoid deana mo dhail', L. McKenna (ed.) *Irish Monthly* (Sept. 1919) pp. 509-14; *Dioghuium Dana* L. MacCionnaith (ed.) (Dublin, 1938) pp. 201-6, 338-44; 'A poem by Gofraidh Fionn Ó Dálaigh', O. Bergin (ed.) in Quiggin (ed) *Essays and Studies presented to William Ridgeway* (Cambridge, 1913) pp. 323-32.

The use of poetry, particularly bardic poetry, as a source for the history of later medieval Ireland was discussed over forty years ago by Ó Cuív⁵⁷ and it has been considered an important source for the study of early medieval history for some time, but its use in late medieval history is more recent. The cause has long been championed by Katharine Simms and further support has been offered by Breatnach, Watt and Bradshaw as well as by Nic Ghiollamhaith in her work on the *Caithréim Thoirdhealbhaigh*.⁵⁸ Until the final decades of the twentieth century bardic poetry was not even considered a possible source for the later medieval period,⁵⁹ but the authors named above have shown that bardic poetry offers excellent source material. The key to using bardic poetry is understanding what portion of the poem is formulaic and what portion is specific to the subject of the poem - a few poems or one collection of poems studied in isolation can create a false impression, but when studied with the wider corpus of surviving bardic material a great deal can be learned, particularly concerning the mindset of the patron.⁶⁰

The use of Gerald fitz Maurice's poetry offers further advantages over normal bardic poetry. However, as with all sources for the Desmond Geraldines, there is also a catch or two. The first catch is that Gerald fitz Maurice was not a trained bard. His poetry draws on the 'approach' and 'ideas' of bardic poetry but he is an amateur: 'a poet without extensive training who does his best to imitate his professional predecessors and

⁵⁷ B. Ó Cuív, 'Literary creation and Irish historical tradition', *Proceedings of the British Academy*, 49 (1963) pp. 233-62.

⁵⁸ K. Simms, 'Literary sources for the history of Gaelic Ireland in the post-Norman period', McCone and Simms (eds) *Progress in Medieval Irish Studies* (Maynooth, 1996) pp. 207-15; K. Simms, 'Bardic poetry as a historic source', Dunne (ed) *The Writer as Witness: literature as historical evidence, Historical Studies XVI* (Cork, 1987) pp. 58-75; K. Simms, 'Bards and barons', Bartlett and MacKay (eds) *Medieval Frontier Societies* (Oxford, 1989) pp. 177-97; K. Simms, 'Images of warfare in Bardic poetry', *Celtica*, 21 (1990) pp. 608-19; C. Breatnach, 'Early modern Irish prose', McCone and Simms (eds) *Progress in Medieval Irish Studies* (Maynooth, 1996) pp. 189-206; Watt, 'Gaelic polity', pp. 314-51; B. Bradshaw, 'Native reaction to the Westward Enterprise', Andrews, Canny, Hair (eds) *The Westward Enterprise* (Liverpool, 1978) pp. 65-80; A. Nic Ghiollamhaith, 'The Uí Briain and the king of England, 1248-76', *Dal gCais*, 7 (1984) pp. 94-9; A. Nic Ghiollamhaith, 'Kings and vassals in later medieval Ireland', *Colony and Frontier in Medieval Ireland*, Barry, Frame and Simms (eds) (London, 1995) pp 201-16; A. Nic Ghiollamhaith, 'Dynastic warfare and historical writing in north Munster, 1276-1350,' *CMCS*, 2 (1981) pp. 73-89; K. McCone and K. Simms (eds) *Progress in Medieval Irish Studies*.

contemporaries.⁶¹ In theory, this deviance could create additional difficulties in using the poems. In fact, this 'catch' presents few difficulties but it must be borne in mind. It is also an advantage in some ways. Gerald fitz Maurice was not as tied to the bardic formula as his professional colleagues which often led to more relevant content and less formula in his poems. The second catch is that it is unclear who the intended audience was: were these poems written for the amusement of the earl and possibly his close friends or did they enjoy a wider audience? Internal clues suggest that some were intended to be read by at least his close companions. Their survival suggests they may have found a wider audience as well but it is unlikely Gerald fitz Maurice intended them to be widely read. Two further advantages also present themselves for the use of Gerald's poetry. First, there is a considerable body of conventional source material which can be used as a check on this material. Second, the subject himself is speaking rather than having his acts interpreted by a bard who is seeking to please a patron - the material is less removed from the situation if no less biased.

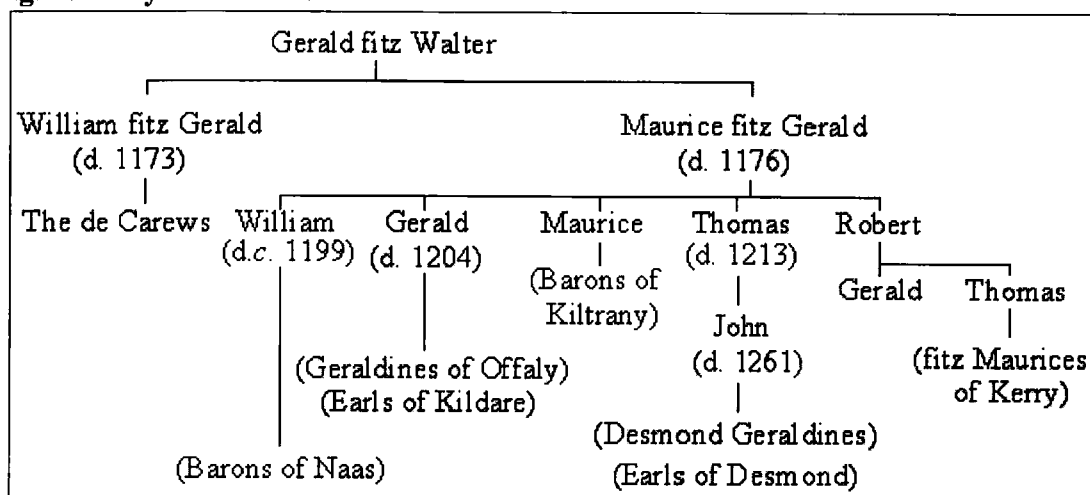
The Desmond Geraldines, the ancestors of the earls of Desmond, were just one branch of the Geraldines who, in turn, were only one branch of the descendants of Gerald fitz Walter, the constable of Pembroke. The Geraldines, descended from Maurice fitz Gerald (d.1176) - one of the original English invaders of Ireland (1169) and a younger son of Gerald fitz Walter - included not just the Desmond Geraldines, but also the earls of Kildare, the fitz Maurices of Kerry, the barons of Naas and the barons of Kiltrany. This lineage was also closely related to another important Munster lineage. Maurice's older brother William was the ancestor of the de Carews. However, the de Carews were in decline by the late thirteenth century when the Desmond Geraldines were on the rise.

⁵⁹ E. St. John Brooks, 'The sources for medieval Anglo-Irish History', *Historical Studies I* (London, 1958) pp. 86-92.

⁶⁰ Simms, 'Literary sources', p. 212.

⁶¹ Carney, 'Literature in Irish', p. 698.

Fig. 1: Early Geraldines⁶²



Though historians discuss this expansive family tree under the single term ‘Geraldines’ it is clear that by the fourteenth century the blood-ties between the branches had weakened considerably or broken down entirely as we will see. In some cases new links, such as ties of marriage, were required to replace the thinning familial bond. In others, animosity had crept in and peace treaties rather than marriage alliances were required.⁶³

The earls of Desmond were descended from the second son of a second son and so they owed their fourteenth-century position of strength in Munster to the efforts of their initially landless thirteenth-century ancestors.⁶⁴ The considerable patronage their ancestors had earned in the service of the de Burghs and Thomas de Clare (himself a younger son) as well as patronage from Edward I both as lord of Ireland and king of England, secured the family considerable holdings in Limerick, Cork, Waterford and Kerry by the end of the thirteenth century. It seems likely that it was Thomas fitz Maurice (d.1213) who was granted the cantreds of Shanid and Ardagh, Co. Limerick and Acumys, Co. Kerry by the de Burghs. This substantial lordship with its *caput* in Shanid remained the core of the

⁶² See *NHI*, ix, p. 166.

⁶³ See Chap. 1, p. 85; Chap. 5, pp. 256-7.

⁶⁴ See Chap. 3, p. 154 for a map of the Desmond Geraldine landholdings in 1298.

Desmond Geraldines' land holdings as their lordship expanded.⁶⁵ By the end of the century, the family had gained considerably more land. John fitz Thomas (d.1261) had received the substantial honor of Dungarvan, Co. Waterford from Edward, lord of Ireland (later Edward I).⁶⁶ Thomas fitz Maurice (d.1298) held additional lands including the cantreds of Ogenathy Donechud and Moyconecan and Orathach, Co. Kerry.⁶⁷

However, it was the Desmond Geraldines who controlled the region from the arrival of the English in Munster and it was they who established ties with the Mac Carthaigh kings of Desmond. Thomas fitz Maurice (d.1213) and his son were able to gain a considerable level of influence over the Mac Carthaigh kings. Unfortunately their violent interference in Mac Carthaigh dynastic politics insured the open hostility of contenders in opposition to the Geraldine-favoured candidate, hostility which could result in serious repercussions for the Desmond Geraldines. For example, the attempts by John fitz Thomas (d.1261) to replace Domnall Got Mac Carthaigh with Domnall Ruad resulted in the death of Domnall Got.⁶⁸ Domnall Got was succeeded by his son Fínghin, who led a campaign against the Anglo-Irish of Munster which culminated in the battle of Callan (1261) and the death of John fitz Thomas and his son Maurice. The results of the battle of Callan and its impact on Mac Carthaigh/Desmond Geraldine relations will be discussed below in more detail.⁶⁹

The twenty-year minority which followed the deaths of John fitz Thomas and Maurice fitz John weakened the Desmond Geraldines' authority in Munster and their overlordship of the Mac Carthaigh but in the final twenty years of the thirteenth century Thomas fitz Maurice (d.1298) restored and improved the family's position both in Munster and in the wider English lordship of Ireland. Thomas fitz Maurice largely restored his family's overlordship over the Mac Carthaigh. He was also able to secure the second

⁶⁵ P. McCotter, 'The sub-infeudation and descent of the fitzStephen/Carew moiety of Desmond (part ii),' *JCHAS*, 102 (1996) p. 97; C.A. Empey, 'The settlement of the kingdom of Limerick', Lydon (ed.) *England and Ireland*, pp. 8, 12-13.

⁶⁶ *CDI*, 1251-84, p. 102, no. 629; *RCH*, p. 3, no. 32; R.F. Frame, *Ireland and Britain* (London, 1998) p. 38.

⁶⁷ McCotter, 'The sub-infeudation... (part.ii)', p. 99. See Chap. 3, pp. 153-4.

⁶⁸ McCotter, 'sub-infeudation... (part ii)', pp. 101-2.

substantial piece of the Desmond Geraldines' lordship: the honor of Dungarvan. Thomas fitz Maurice's grandfather John fitz Thomas (d.1261) had gained a claim to the honor of Dungarvan through his marriage to a daughter (and co-heiress) of Thomas fitz Anthony but the grant to fitz Anthony had been revoked and John had had difficulty trying to secure his wife's portion. Just before his death, he secured a tenuous claim to the whole of Dungarvan. Thomas fitz Maurice (d.1298) made two trips to England around 1284-6 and 1290-2⁷⁰ in order to secure the honor of Dungarvan by grant from Edward I.⁷¹ He also did much to increase the family's standing within the English lordship of Ireland, culminating in his brief appointment as chief governor of Ireland; he was deputy justiciar for nine months from April to December 1295. But Thomas's death in 1298 left his young son as heir and the Desmond Geraldines entered the fourteenth century facing another long minority.

The Desmond Geraldines spent the thirteenth century acquiring lordship in Munster, both lordship of lands and lordship of men (Irish and Anglo-Irish). It is therefore hardly surprising to find that the Desmond Geraldines of the fourteenth century were similarly and equally focused. Part I of this thesis will seek to develop a clear picture of the careers of the first three earls of Desmond and will explore their role both in Munster and in the wider lordship of Ireland as well as their relationships with the king and the royal government in Dublin. Their violent clashes with other magnates and their role as agitators in Munster is well known, Chapters 1 and 2 will seek to explore the wider issues at stake in their career as well as exploring the role of lordship and expansionist ambitions in shaping their careers. Part II will look more closely at the lordship of the earls of Desmond. It will explore the origins and expansion of the fourteenth-century lordship and earldom of Desmond and address the Desmond Geraldines lordship over lands and men in southwest Ireland. This lordship encompassed not just the Anglo-Irish regions of Munster, but also the Irish

⁶⁹ See chap. 4, pp. 212-23.

⁷⁰ *CDI*, 1251-84, p. 430, no. 1915; p. 500, no. 2162; p. 564, no. 2363; *CDI*, 1285-92, p. 18, no. 17; p. 19, no. 22; p. 87, no. 181; p. 88, no. 184; p. 344, no. 733; p. 406, no. 893; p. 408, no. 900; p. 418, no. 939; p. 457, no. 1023; p. 463, no. 1042.

regions. Owing to the survival not only of numerous Irish lineages but also several semi-autonomous Irish regions in southwest Ireland, the Desmond Geraldines' lordship extended beyond the English model to deal with the Irish of Munster both within and on the borders of the lordship.

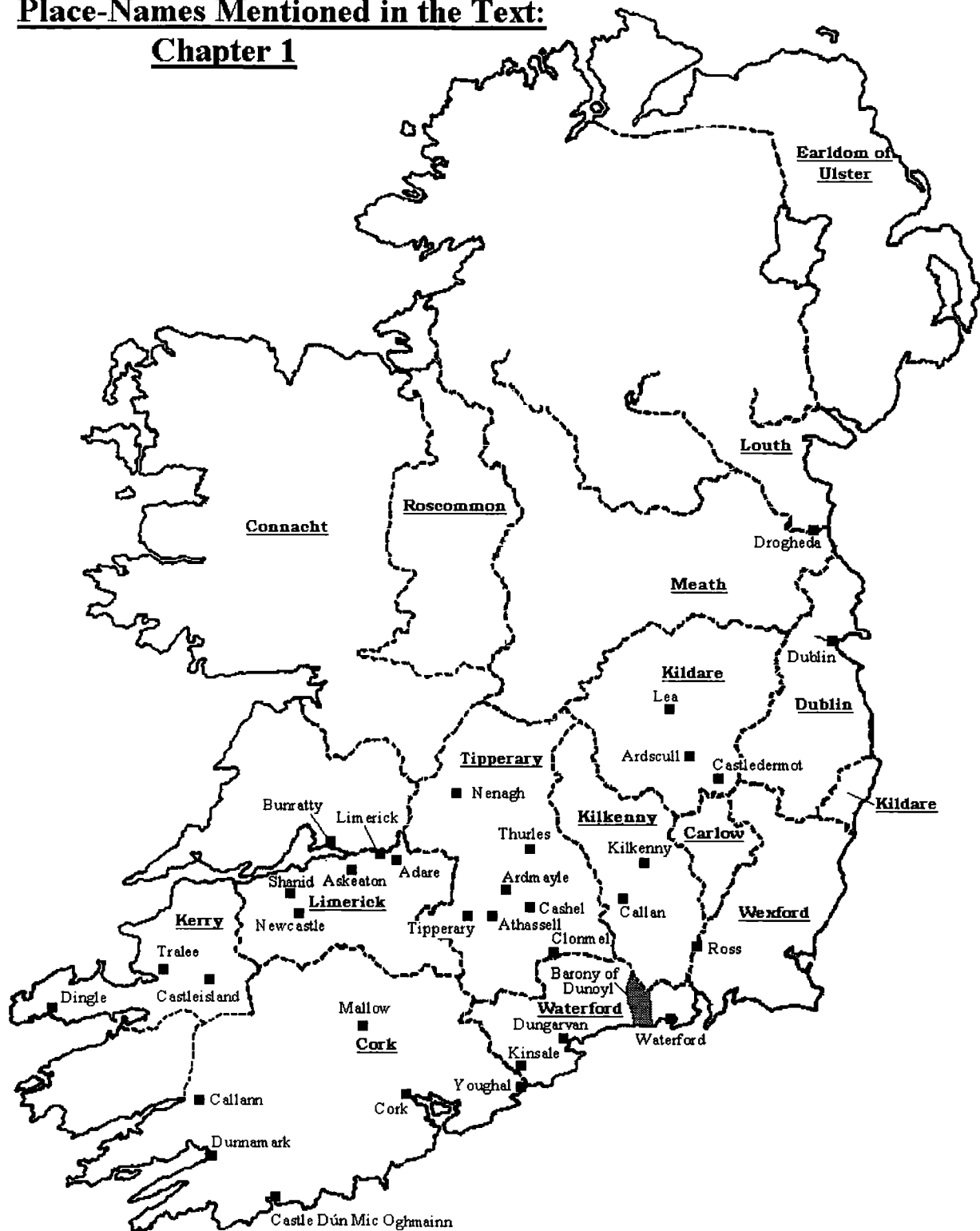
The picture of the Desmond Geraldines in the historiography of Ireland has always been one sided. First, they were portrayed as Anglo-Irish patriots, then as overmighty magnates acting 'beyond the pale' of English authority. In this thesis I will seek to construct a more balanced picture. The problematic career of the first earl and the elusive careers of the second and third earl will be looked at not just in terms of violence and feud but also in terms of their stabilising influence in Munster and their role in the governance of Ireland.

⁷¹ See Chap. 3, pp. 148-52.

Part I

The Careers of the Earls of Desmond in the Fourteenth Century

Place-Names Mentioned in the Text:
Chapter 1



Chapter 1

The First Earl of Desmond

Maurice fitz Thomas was born not as heir to his father, but as a younger son and it was only after the death of his older brother, Thomas, that he inherited the Desmond Geraldine lordship. Not surprisingly, when this younger son inherited his father's lordship, he seized his new role with ambition and energy. His career was dominated by conflict: conflicts with his fellow magnates, conflicts with the Dublin government, conflicts with absentees, even conflicts with the king. These conflicts often centred on land and lordship. The ambition, not just of Maurice fitz Thomas, but of magnates in general, to expand their landholdings and lordship frequently brought them into conflict with each other. Even in England, these conflicts often became violent due to the importance of possession in law cases. It is hardly surprising that in the highly militarised marcher society of fourteenth-century Munster, these conflicts were often violent in nature and could degenerate into feuds - the fighting ceased to be confined to the disputed lands and expanded into violent exchanges throughout the magnates' lordships. Once one side took casualties the original point of dispute could cease to be important. It is this aspect that many historians have chosen to focus on in recent years: Desmond's 'territorial ambitions',¹ his violent feuds, his opposition to royal authority.

However, this approach all but ignores much of his career: his service against the Scots during the Bruce invasion (1315-18) and in 1335, his campaign against the Irish of Leinster and his role in the defence and the royal administration of Munster. Without this wider context, not only do Desmond's two restorations and his eventual appointment as chief governor of Ireland seem difficult to understand but much of the background to the periods of conflict gets lost as well. This chapter will seek to place these conflicts into the context of his career, and the wider events in England and

¹ A.F. O'Brien, 'The Territorial Ambitions of Maurice fitz Thomas, First Earl of Desmond', *PRIA*, C, 82 (1982) p. 59.

Ireland which shaped his career, as well as drawing attention to the parallels and contrasts between Maurice fitz Thomas and his fellow Anglo-Irish magnates.

The Minority, 1298-1314

The Desmond Geraldines began the fourteenth century with a long minority: when Thomas fitz Maurice died in 1298, his heir, Thomas fitz Thomas, was only eight years old.² When Thomas died while still underage, his younger brother inherited the lordship, lengthening the minority. However, it was not the long minority itself, but the problems which arose between the heir and the Dublin government which had the largest impact on the future of the lordship. Initially, there was little difficulty and the minority was treated in a normal fashion. Custody of a large portion of the lordship was granted to John fitz Thomas lord of Offaly for the minority of the heir for a rent of only £100 to be rendered at the exchequer,³ but this grant excluded Dungarvan, Ciarraighe-Locha-nairneadh in Connacht, and parts of Kerry. John demanded a renegotiation of the deal after the king granted a further £100 payment from the profits of fitz Maurice's estates to Gerard de Orum, the king's valet, in July 1300.⁴ The result of this was that the king agreed to waive the £100 payment to the crown if John waived the substantial royal debt to him for military service in Ireland and Flanders.⁵

These exclusions were in two cases due to widows' dowers and in the third because of other royal usage of the lands. Matilda Barry, who was Thomas fitz Maurice's mother, still held two manors in Co. Kerry as her dower at least as late as 1300.⁶ Margaret Berkeley, Thomas fitz Maurice's widow, received Dungarvan as her dower but she may not have immediately received seisin.⁷ Sometime prior to April 1299,

² Thomas was 10 years old at Easter in 1300 (PRO C 133/94/2; *CIPM*, iii, p. 448; *CDI*, 1293-1301, p. 340; *Complete Peerage*, iv, p. 236).

³ *CJRI*, 1295-1303, pp. 230-1; C. Ó Cléirigh, 'John fitz Thomas, fifth lord of Offaly and first earl of Kildare', Ph. D. thesis (TCD, 1996) p. 161. The calendar of the pipe rolls mistakenly states that the lands were turned over to Thomas fitz Maurice's son John, but this is clearly a misunderstanding of the nomenclature (38th Rep. *DKI*, p. 40).

⁴ *CDI*, 1293-1301, p. 356, no. 756. See Ó Cléirigh, 'John fitz Thomas', pp. 161-2 for a discussion of these grants and their political context.

⁵ *CDI*, 1302-7, p. 17, no. 38; p. 18, no. 43; Ó Cléirigh, 'John fitz Thomas', p. 161.

⁶ *CJRI*, 1295-1303, p. 311.

⁷ 38th Rep. *DKI*, pp. 49, 79. Dungarvan appears to have a value of more than 1/3 of the lordship. When Edward I regranted Thomas fitz Maurice's lordship to him in the 1290s, the grant was made to Thomas and his wife (*CDI*, 1285-92, p. 464, no. 1051); it may be that the wording of that grant allowed her to claim a larger than normal widow's portion.

Margaret had married Reginald Russel without licence and therefore their lands were taken into the king's hands until April when they agreed to pay a £500 fine over the next two years.⁸ The handover of Dungarvan and its profits since Thomas fitz Maurice's death was not recorded in the pipe rolls until November.⁹ In 1304, Edward granted Thomas fitz Maurice's 50 marks of land in Ciarraighe-Locha-na-nairneadh, Connacht to William Burgh as a reward for his military service in Scotland.¹⁰ The grant to William Burgh seems to be a land grant rather than the grant of custody but exactly how and why Ciarraighe-Locha-na-nairneadh was alienated is unclear. The long term loss to the lordship was minimal as the lands had effectively been traded with Henry de la Roche for Mallow, Co. Cork and were under heavy pressure from the Irish. Prior to this, Ciarraighe-Locha-na-nairneadh had been administered directly by the escheator but it is not clear why this manor was excluded from the grant to John fitz Thomas.¹¹ The crown also retained its right to the minorities within the lordship. Lands held by both Walter Russell and Henry Judas in Dungarvan were in the hands of the escheator due to the minority of their heirs as were John Valle's lands in Kylschenaleth, Co. Limerick and the lands of Thomas Smythe.¹²

In theory, the grant of custody to John fitz Thomas could have been a positive one for the lordship of Desmond as John had a great deal of experience in marcher warfare and already held some land in Limerick.¹³ It was, therefore, already in his best interests to maintain peace in this area and he stood to make substantial profits from even the most half-hearted effort to administer the lordship. However, there is little evidence of John's activities in Thomas fitz Maurice's lands during the period he held them. John himself was in England and on campaign with the king for some of this period and his men may have been fully occupied with his own marches.¹⁴ We do know Henry Capella, John's seneschal in the region, was active during the later stages of the

⁸ 38th Rep. DKI, p. 49; CDI, 1293-1301, p. 290, no. 609; p. 340, no. 728.

⁹ 39th Rep. DKI, p. 79.

¹⁰ CDI, 1302-7, p. 118, no. 338.

¹¹ 38th Rep. DKI, p. 79.

¹² 39th Rep. DKI, pp. 22, 28, 39, 57, 63; 42nd Rep. DKI, pp. 13, 22; RCH, p. 15, no. 244.

¹³ Ó Cléirigh, 'John fitz Thomas', pp. 138-79.

¹⁴ Ó Cléirigh, 'John fitz Thomas', pp. 151-79.

custody but not necessarily to anyone else's gain. Henry Capella attempted to defraud John's receiver in Kerry but he was found out and arrested.¹⁵ John's activities after he lost custody of the lordship in 1309 suggest that he may have been active in the lordship because he seems to have tried to retain influence there. For instance, after Christmas in 1312, he held a large feast at Adare which was attended by some of the gentry of southwest Munster and he knighted three of them: Nicholas fitz Maurice of Kerry, Robert Clahull and one other unnamed individual.¹⁶

It seems that this grant to John fitz Thomas was only for the lands of Thomas fitz Maurice and did not include custody of his heir. Three weeks after Thomas fitz Maurice's death, the exchequer was ordered to deliver his heir to his widow, Margaret, along with her dower, probably through the efforts of her father, Thomas Berkeley, who was listed as her surety.¹⁷ The next reference to custody comes in 1301 when William Barry was paid £13 6s 8d for the support of Thomas fitz Thomas from October 1300 to October 1301.¹⁸ This would seem to indicate that William had custody of the heir for at least that period. But if that is the case, then the marriage of Thomas fitz Maurice's heir was also treated separately, as it was granted to Thomas Berkeley in February 1301.¹⁹

Thomas fitz Thomas died in 1308 whilst still underage,²⁰ leaving his younger brother Maurice fitz Thomas, probably aged fifteen, as heir.²¹ At this point, the exchequer was ordered to resume the lands of Thomas fitz Maurice but the custody seems never to have been regranted,²² either because the heir had already entered his lands without licence or custody had been granted to the heir without the escheator being informed. The first explanation is more likely: the escheator clearly believed this

¹⁵ *CJRI*, 1305-7, p. 452; Ó Cléirigh, 'John fitz Thomas', p. 192.

¹⁶ *Clyn*, p. 11; *St. Mary's Abbey*, ii, p. 342; Ó Cléirigh, 'John fitz Thomas', p. 192. *The Calendar of the Carew Manuscripts* erroneously attribute these knightings to Maurice fitz Thomas the following year (*CCM*, *Books of Howth*, p. 130).

¹⁷ *CDI*, 1293-1301, p. 241, nos. 531, 533.

¹⁸ *38th Rep. DKI*, p. 82.

¹⁹ *CDI*, 1293-1301, p. 358, no. 773.

²⁰ Thomas fitz Thomas's death is usually cited as 1309 because of the April 1309 order to hold an inquisition regarding his landholdings (*RCH*, p. 11, no. 292). However, Maurice fitz Thomas, who entered his brother's lands on his death, was later called to account for the period beginning in December 1308, suggesting Thomas died in the winter of 1308 (*39th Rep. DKI*, p. 49).

²¹ *The Complete Peerage* gives a 1293 birthdate to Maurice fitz Thomas based on the fact that the king took his fealty in 1314 (*Complete Peerage*, iv, p. 237).

²² *RCH*, p. 11, no. 292.

to be the case as Maurice is repeatedly said to have entered the lands of his brother without licence and there is no indication of a royal grant of custody to him.²³

In the pipe rolls of the Irish exchequer, the escheator indicated that by December 1308, Maurice had entered his father's lands in Kerry.²⁴ By 1312, Maurice seems to have been in possession of all his lands.²⁵ Maurice's actions may indicate that he was unwilling to allow his lands to decay for five years in the hands of a perhaps uninterested custodian. Maurice, perhaps through his mother's family - the Berkeleys, may have been able to gain custody of his own lands. Records of such a grant, like the initial writ concerning the acceptance of his fealty, could have failed to reach Dublin or failed to survive. And it does seem strange that the crown made no use of this vast source of ready patronage during the last five years of the minority. But Maurice fitz Thomas's failure to attempt to account for the lands during his minority suggest that he had no such legal backing. The considerable damage, wreck and ruin which could occur within a lordship during a long minority is well known.²⁶ Maurice or his mother or other allies might have seen this as the best course of action.

On 5 April 1314, Edward II took the fealty of Maurice fitz Thomas and Maurice then accounted for the profits of his lands from the time he entered them until he was granted seisin.²⁷ Successive escheators either received no notice of this - the first surviving notice is in 1317²⁸ - or they failed to act on it; at least as late as 1316 they were still collecting the rents of minorities within Maurice's lands and referring to him as a minor,²⁹ and in 1315, Richard Barford, chancellor of Ireland (1314-16), inquired into the disposition of these lands to learn who held them and *how much longer the minority would continue*.³⁰ Unfortunately the return does not survive, or was never made, as it would have undoubtedly yielded further information about this apparent discrepancy

²³ NAI RC 8/7, p. 122; 39th Rep. DKI, pp. 49, 59.

²⁴ 39th Rep. DKI, p. 49.

²⁵ 39th Rep. DKI, pp. 40-1, 59, 63-4; NAI RC 8/7, p. 122.

²⁶ R.F. Frame, *Ireland and Britain, 1170-1450* (London, 1998) pp. 199-200. See below, p. 37.

²⁷ 39th Rep. DKI, p. 49.

²⁸ CPR, 1313-17, p. 639.

²⁹ 39th Rep. DKI, p. 63; 42nd Rep. DKI, pp. 13-14.

³⁰ PRO C 260/25/9; 'C 260', *AH*, 31 (1984) p. 7.

from 1314 when Maurice fitz Thomas came of age and received his lands to 1317 when the Dublin government acknowledged this fact.

It is likely that this situation from 1314 to 1317 was the origin of the deep-seated feelings of mistrust Maurice fitz Thomas held for the king's ministers in Ireland as well as the general dislike and distrust those same ministers showed for him. Whether due to miscommunication or a disruption of communication caused by the Bruce invasion, the Dublin government seems to have continued to try to collect the rents of Maurice's lands for three years after his legal entry into them, an action which Maurice may have considered the first of many slights. The Dublin government, on the other hand, would have viewed Maurice's apparently illegal entry into his lands as the first instance of a disregard for the law.

While this confusion concerning his lands was underway, Maurice fitz Thomas began to take up his father's role in both the Gaelic and Anglo-Irish politics and conflicts of the southwest and within the English lordship of Ireland as a whole. The details vary in each case but the basic dispute behind most of the feuds was the control of land or men in a given area. However, once one side took casualties the original point of dispute could cease to be important.

The Clare/Burgh Dispute

Before the end of his minority, Maurice fitz Thomas had already become embroiled in a dispute between the Burghs and the Clares in Thomond. The competing interests of the Clares and Burghs in the region had led to both taking sides in Uí Bhriain (O'Brien) dynastic disputes. Maurice, like his father, became involved on the Clares side.

This dispute has been interpreted as the continuation of an older feud between the Burghs and the Geraldines; a dispute which began in the thirteenth century, when the Burghs and the Geraldines of Offaly (later earls of Kildare) came into conflict over the expansion of the Geraldines of Offaly into Connacht.³¹ After considerable open conflict throughout the second half of the thirteenth century, the conflict came to an

³¹ K. Simms, 'The Battle of Dysert O'Dea', *Dal gCais*, 5 (1979) p. 62.

apparent end in 1298-99 when the Geraldines of Offaly withdrew from Connacht.³² The fourteenth century disputes between the Clares and the Burghs and Maurice fitz Thomas and the Burghs are seen as a continuation of this earlier conflict. However, there is little evidence that these conflicts were actually so closely related and almost no evidence for Desmond Geraldine participation in the feud between the Burghs and the Geraldines of Offaly.

The assumption that the Desmond Geraldines played a role in the feud between the Burghs and the Geraldines of Offaly is based on the belief that the Offaly and Desmond Geraldines were still closely connected but there is little evidence for this. The Desmond Geraldines were, in fact, more closely associated with the Burghs. Originally, the Desmond Geraldines owed their position in Munster to the Burghs: much of the family's lands in Limerick and Kerry had been granted to them by the Burghs, including the Desmond Geraldines' *caput* manor, Shanid.³³ Aside from this connection, other factors are likely to have kept their role in the dispute to a minimum. During the height of the Geraldine/Burgh dispute, the Desmond Geraldines were in the midst of a long minority which was followed by a struggle to regain the family's landholdings. When the final chapter of the dispute was being written in the 1290s, Thomas fitz Maurice of the Desmond Geraldines, as justiciar, was waging war against the Irish of Leinster.³⁴

It is possible that the Desmond Geraldines sided with family against their old benefactor (though we find no such loyalty between the Desmond Geraldines and the fitz Maurices of Kerry³⁵) and these other factors would not have prevented their involvement but other differences between the two disputes raise further questions. The thirteenth-century Burgh/Geraldine feud included several periods of wide-ranging violence between the two sides during the second half of the thirteenth century. The

³² Lydon, *Lordship*, pp. 121-2 [2nd pp. 191-2]; Otway-Ruthven, *Med. Ire.*, pp. 196-213.

³³ C.A. Empey, 'The settlement of the kingdom of Limerick', Lydon (ed.) *England and Ireland in the Later Middle Ages* (Blackrock, 1981) pp. 6, 8; P. McCotter, 'The sub-infeudation and descent of the fitzStephen/Carew moiety of Desmond (part i)', *JCHAS*, 101 (1996) p. 76; (part ii) *JCHAS*, 102 (1996) pp. 97-8.

³⁴ Otway-Ruthven, *Med. Ire.*, pp. 211-12.

³⁵ See below, pp. 256-7.

fourteenth-century Burgh dispute with the Clares and their allies the Desmond Geraldines was, however, far less clearly a 'feud'. The conflict seems to have been restricted to support for opposing Uí Bhriain factions. In other situations and settings we actually find Clare and the earl of Ulster working together. Perhaps the best example is the Turnberry Band in 1286. This was an agreement between Thomas Clare, Richard Burgh and a group of Scottish lords which bound the Scots to support Thomas and Richard.³⁶

However, the Clare/Burgh dispute probably did owe its origins, in part, to the Burgh/Geraldine feud. The Clare/Burgh dispute was instigated by Edward I's grant of Thomond to Thomas Clare, the younger brother of the earl of Gloucester. The Burghs were concerned by the Clare presence in Thomond because the Clare lordship 'straddled the land-route between their [the Burgh] lordship of Connacht and their estates in east Limerick'.³⁷ The Burghs had developed a close relationship with the Uí Bhriain to keep this connection open. When the Clares arrived in Thomond during the 1270s, they not only attacked the *status quo* by carving a lordship from the Uí Bhriain kingdom of Thomond but they also forged a connection with the Geraldines of Offaly; Thomas Clare formed a marriage alliance with that branch of the Geraldines. Concerned at the prospect of a Geraldine ally controlling this crucial land link, the Burghs once again embarked on a hostile campaign but this time through the medium of Uí Bhriain politics: each side supported opposing claimants to the rule of the Uí Bhriain.³⁸ However, after giving initial support to the Clares,³⁹ the Geraldines of Offaly played little part in this conflict (even while the feud between the Burghs and the Geraldines of Offaly continued).

In light of this, the marriages of the daughters of Richard Burgh, earl of Ulster need to be reassessed. In 1312, Thomas the son of John fitz Thomas, lord of Offaly

³⁶ J. Wormald, *Lords and Men in Scotland: Bonds of Manrent, 1442-1603* (Edinburgh, 1985) p. 35; G.W.S. Barrow, *Robert Bruce* (London, 1965) pp. 25-6, 36-7; M.C. Prestwich, *Edward I* (London, 1988) pp. 359-60; and thanks to Dr. Hartland for allowing me to see an early draft of her forthcoming article.

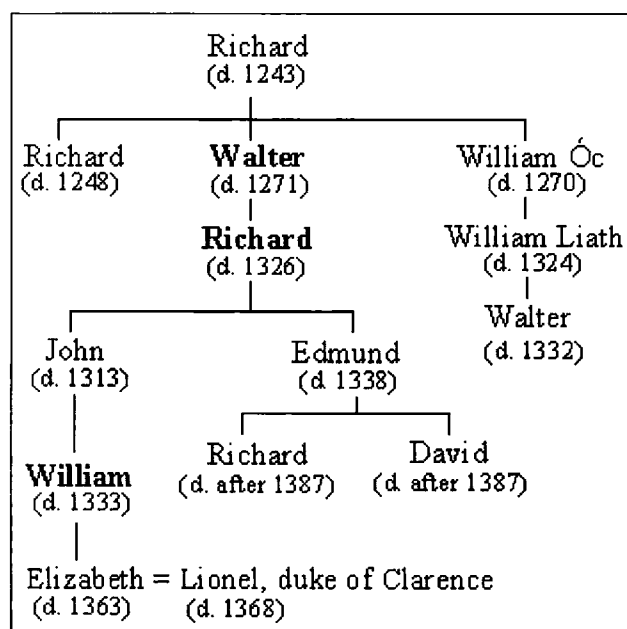
³⁷ Simms, 'Dysert O'Dea', p. 62.

³⁸ A. Nic Ghiollamhaith, 'Dynastic warfare and historical writing in north Munster', *CMCS*, 2 (1981) p. 75; Simms, 'Dysert O'Dea', p. 62.

³⁹ *Caitheirim Thoirdealbhaigh*, ii, S.H. O'Grady (ed) (London, 1929) pp. 9, 19; Simms, 'Dysert O'Dea', p. 62.

married one of the earl's daughters.⁴⁰ This marriage was an attempt to heal the rift between the Geraldines of Offaly and the Burghs. A second marriage, Maurice fitz Thomas's marriage to Katherine, another of Ulster's daughters, at Greencastle on 5 August 1312, has been interpreted in the same way. It is more likely that Maurice's marriage to Katherine was an attempt to form a marriage alliance between the earl of Ulster and the magnates of western Munster to help resolve the conflict in Thomond. If this was the intent, then a marriage between Richard Clare and a daughter of Richard Burgh would seem more logical but Richard Clare (d.1318) was already married, possibly to a Desmond Geraldine: Joan, the wife of Richard may have been a sister of Maurice fitz Thomas.⁴¹ Richard's marriage to Joan probably occurred soon after his arrival in Ireland (c.1309) and perhaps before any arrangement between the Burghs and Clares could be considered.⁴² If Richard Clare was, in fact, already Maurice fitz Thomas's brother-in-law, this arrangement would have looked like a very good effort at stabilizing the Anglo-Irish politics of western Ireland. In fact, it had very little impact.

The Burghs⁴³

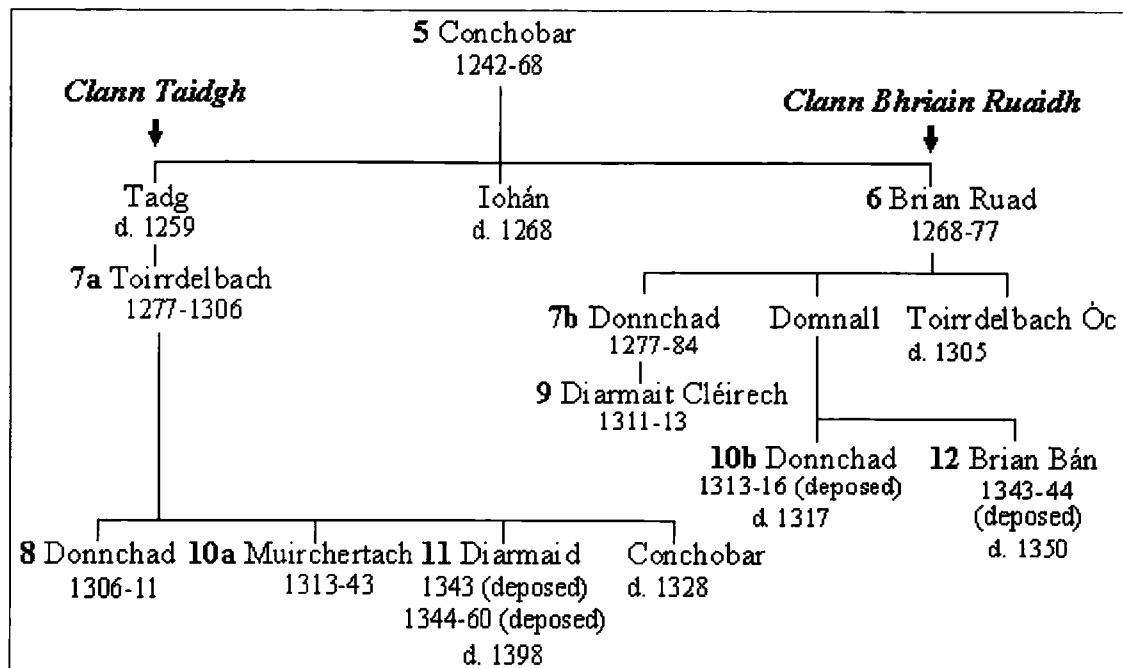


⁴⁰ *St. Mary's Abbey*, ii, p. 341; *Clyn*, p. 11.

⁴¹ I have been unable to locate any source which identifies Joan's father but some circumstantial evidence would suggest a familial connection to Maurice fitz Thomas. The clearest indication of this is the statement in a parliamentary petition that Maurice fitz Thomas was the uncle of Thomas - the son of Joan and Richard Clare (*RP*, i, p. 385, no. 118).

⁴² Two marriages did take place between the Burghs and the main line of the Clares, the earls of Gloucester, around this time: Richard Clare's cousin Gilbert, earl of Gloucester married another of Richard Burgh's daughters and Gilbert's sister Elizabeth married Richard Burgh's eldest son John (Frame, *English Lordship*, pp. 49-50).

⁴³ After Nicholls, *NHI*, ix, p. 170. Bold type indicates earls of Ulster.



At the time of these marriages, Clare and the Burghs (Richard Burgh, the red earl and his cousin William Liath Burgh) had been fighting openly in Thomond in support of rival candidates for the kingship of the Uí Bhriain since 1311; Clare in support of Donnchad of Clann Bhriain Ruaidh and Burgh in support of Muirchertach of Clann Taidgh.⁴⁵ The above marriages followed a series of efforts by the Dublin government to negotiate an end to the conflict,⁴⁶ and following the marriages, the earl of Ulster, Richard Clare, and the two contenders for the kingship of Thomond came to an agreement involving the partition of Thomond between the two candidates leading to the restoration of peace in 1313. Unfortunately, this lasted only until 1314 when Richard Clare departed for England. Soon after he left, William Liath Burgh and Muirchertach (Clann Taidgh) attacked Donnchad (Clann Bhriain Ruaidh) and forced him to retreat to Bunratty castle.⁴⁷ Two weeks later Donnchad led a retaliatory raid with the aid of Richard Clare's men as well as Maurice fitz Thomas and Maurice Rocheford. This attack reversed Muirchertach's earlier victory and forced him to withdraw from

⁴⁴ After Nicholls, *NHI*, ix, p. 152.

⁴⁵ Otway-Ruthven, *Med. Ire.*, pp. 221-2; A. Nic Ghiollámhaith, 'Kings and vassals in later medieval Ireland', *Colony and Frontier in Medieval Ireland*, Barry, Frame and Simms (eds) (London, 1995) pp. 202-3; *AI*, 1313-14; *AC*, 1313.3.

⁴⁶ Connolly, *IEP*, p. 599.

⁴⁷ Otway-Ruthven, *Med. Ire.*, pp. 221-2.

Thomond and retreat into Connacht.⁴⁸ This victory was only temporary; Donnchad was deposed by Muirchertach in 1316 after he turned on his Anglo-Irish allies during the Bruce invasion.⁴⁹

Maurice fitz Thomas was back in Thomond in the autumn of 1318 to avenge the death of Richard Clare who had been soundly defeated and killed at the battle of Dysert O'Dea by Muirchertach Ó Briain's allies in May 1318.⁵⁰ The following autumn Maurice, with a force that included Diarmait Mac Carthaigh, Brian Bán son of Domnall Ó Briain, and Mathgamain son of Domnall Connachtach Ó Briain, marched into Thomond to avenge this defeat and to try once again to restore Clann Bhriain Ruaidh (now seemingly back in favour after their 1316 revolt) to power.⁵¹ This campaign was Maurice fitz Thomas's last major effort in Thomond before the extinction of the Clare lordship of Thomond in 1321. This campaign also marks the first noted occurrence of Maurice taking up his family's traditional relationship with the other major Irish power in south-western Munster: the Mic Charthaigh Mór kings of Desmond.⁵²

There was one further incident which may have related to the Burgh/Clare dispute: in 1319, John fitz Thomas, Maurice fitz Thomas's brother, and David Barry, plundered the earl of Ulster's town of Athassel and the surrounding countryside.⁵³ Their retinue, apparently made up mostly of Barrys and Burghs, was substantial enough that £600 was allocated for the force which gathered to deal with them.⁵⁴ It is possible that this incident was related to the Clare/Burgh dispute but some factors seem to indicate otherwise. The main problem with this incident being identified with the Clare/Burgh dispute is the men involved. Aside from the presence of Maurice's brother, those involved were not allied with the Desmond Geraldines.⁵⁵ This incident probably

⁴⁸ *AI*, 1314.3.

⁴⁹ *AI*, 1316.8. See below, pp. 34-5.

⁵⁰ Simms, 'Dysert O'Dea', pp. 59-66; Otway-Ruthven, *Med. Ire.*, pp. 236-7; G.A. Hayes-McCoy, *Irish Battles* (London, 1369) pp. 35-47; Orpen, *Normans*, iv, pp. 93-6.

⁵¹ *AI*, 1318.3. For Maurice fitz Thomas's relationship with the Uí Bhriain see Chap. 4, pp. 223-35.

⁵² For Maurice fitz Thomas's relationship with the Mic Charthaigh Mór see Chap. 4, p. 212-23.

⁵³ *St. Mary's Abbey*, ii, p. 360; *Grace*, p. 97.

⁵⁴ *RCH*, p. 28, no. 11.

⁵⁵ There is no indication that any of the Burghs had gone over to Maurice fitz Thomas, though clearly the Burghs involved here were acting against the earl of Ulster and represented a faction of the Burgh lineage which was, at least temporarily, hostile to the main line. For Maurice fitz Thomas's relationship with David Barry, see Chap. 5, p. 271.

represents John fitz Thomas taking independent action for his own reasons rather than acting on behalf of his brother. The incident seems to have ended with Maurice fitz Thomas and Thomas Butler, brother of the future first earl of Ormond and seneschal of Tipperary, being granted permission to treat with John fitz Thomas and his allies.⁵⁶

Though hostilities continued between the Desmond Geraldines and the Burghs after the 1312 marriage alliance, this marriage probably helped to restore peace between the two magnates once the cause of tension was eliminated. This conflict effectively came to an end in 1321 with the death of Thomas Clare and the collapse of the Clare lordship in Thomond. The earl of Ulster's 1323 grant to Maurice fitz Thomas of a number of Burgh landholdings in Waterford probably indicates the restoration of good relations.⁵⁷

The Bruce Invasion

Maurice fitz Thomas came of age at a turning point in the history of the English lordship in Ireland. His career began with a unique opportunity to gain royal favour through service: the Scottish invasion of Ireland. Less than a year after he received seisin of his lands, Robert Bruce extended the Anglo-Scottish war to Ireland by supplying his brother, Edward, with an expeditionary force to attempt to carve out a second Bruce kingdom in Ireland and the Isles.

However, this also proved to be a major test of Maurice's ability to deal with the Irish of Munster. Though the bulk of Edward Bruce's support was based in the north, Irish throughout the lordship seized this opportunity to attack their Anglo-Irish neighbours.⁵⁸ Munster, it seems, was no exception. In 1315, Maurice fitz Thomas was called on to join the first campaign against Edward Bruce in Ireland. That autumn he replied, apologising for his absence and explaining that he had been occupied with fighting the Irish of the region who had risen because of the invasion.⁵⁹ The *Annals of*

⁵⁶ *RCH*, p. 27, no. 72.

⁵⁷ LPL MSS 608, m. 26d; *CCM, Books of Howth*, p. 363.

⁵⁸ See Frame, *Ireland and Britain*, pp. 71-98; J.F. Lydon, 'The impact of the Bruce invasion, 1315-27', *NHI*, ii pp. 275-302; Otway-Ruthven, *Med. Ire.*, pp. 228-31. See also the essays collected in *Robert the Bruce's Irish Wars: the Invasions of Ireland, 1306-1329*, S. Duffy (ed) (Stroud, Gloucestershire, 2002).

⁵⁹ J.R.S. Phillips, 'Documents on the early stages of the Bruce invasion of Ireland', *PRIA*, C, 79 (1979) pp. 249-50, 261.

Inisfallen, a set of annals based in Munster, do not mention raiding by the Irish of Desmond in 1315 but, as we will see, they do mention violent raiding the following year which is confirmed by Anglo-Irish sources and there is little reason to suspect Maurice of making excuses. The justiciar himself, Edmund Butler, was probably happy to have his fellow magnate remain in the region to help deter Irish raids on both their territories.

The following year, Maurice fitz Thomas did join the justiciar and was present at what seems to have been a major debacle for the Anglo-Irish: the battle of Skerries (also known as Ardsclull) in January 1316. At this battle the Anglo-Irish outnumbered the Scots and inflicted heavy casualties but withdrew from the field, apparently as individual retinues rather than *en masse*, leaving the Scots as the winners by default. This withdrawal was apparently the result of arguments among the magnates.⁶⁰ The Anglo-Irish army at Skerries seems to have been drawn by the justiciar, Edmund Butler, from his own neighbours and allies.⁶¹ We have already noted the presence of Maurice fitz Thomas and Edmund Butler. The other lords said to be present were John fitz Thomas the future earl of Kildare and his son Thomas, John le Poer the baron of Dunoyl, Arnold le Poer, Maurice Rocheford, and Miles and David Roche: all lords based in Munster and south Leinster. It is tempting to see a connection between the disputes which undermined this Anglo-Irish force and the disputes which dominated Munster in the decades that followed the Bruce invasion. With no evidence concerning the dispute which caused the Anglo-Irish forces to withdraw, it is impossible to do more than speculate but there is some suggestion that, for once, Maurice fitz Thomas was not at fault.

Because of this dispute and the '*mescheaunce*'⁶² it caused, John Hothum, the king's special envoy in Ireland, 'requested' that these magnates and the newly arrived Richard Clare swear oaths of loyalty to the king. Though both Hothum and the royal

⁶⁰ Frame, *Ireland and Britain*, p. 94; Lydon, 'The impact of the Bruce invasion', p. 288; Phillips, 'Documents', pp. 251-2, 255-6; Otway-Ruthven, *Med. Ire.*, pp. 228-9; S. Duffy, 'The Bruce invasion of Ireland: A revised Itinerary and Chronology', Duffy (ed) *Robert the Bruce's Irish Wars* (Stroud, Gloucestershire, 2002) p. 24; E. Curtis, *A History of Medieval Ireland* (London, 1938) p. 186; J. Barbour, *The Bruce*, Duncan (ed.) (1997, Edinburgh) pp. 526-8, 534, 546; J. Barbour, *The Bruce*, Eyre-Todd (ed.) (Glasgow, 1907) pp. 240-1. Barbour notes Maurice fitz Thomas's presence twice: he cites the presence of Sir Maurice fitz Thomas and, anachronistically, the earl of Desmond as well.

⁶¹ Phillips, 'Documents', pp. 251-2.

clerk who reported on the situation to the king use the term *requeste*,⁶³ they were no doubt strongly encouraged if not required to do so in the hope that internal disputes would not further undermine the defence of the lordship. Perhaps the most interesting aspect of this event is that Maurice fitz Thomas and Maurice Rocheford seem to have remained at Castledermot to keep watch on the Scots while the rest of the lords retired to Dublin to make these oaths of loyalty. There is a conflict between John Hothum's account and that of the royal clerk on this point. Hothum's account seems to indicate that just the men of Maurice fitz Thomas and Maurice Rocheford remained to keep watch on the Scots but the royal clerk indicated that the two men remained there with their troops.⁶⁴ If the latter version of events is correct then it could be interpreted as a sign that Maurice fitz Thomas was, for once, not involved in the dispute as he was not required to be present for this oath though the document suggests that he attached his seal.⁶⁵

Following this, these lords remained in Leinster to help the justiciar to fight the general uprising among the Leinster Irish.⁶⁶ Maurice was well rewarded for his service at Skerries and in Leinster. He was pardoned 1000 marks of his inherited debts and he was granted a gift of 100 marks.⁶⁷

Following this campaign against the Irish of Leinster, Maurice fitz Thomas returned to Dungarvan but he did not remain there long. He was soon faced with another revolt by the Irish. Maurice's erstwhile ally, Donnchad Ó Briain, led a substantial raid in Kerry and Diarmait Mac Carthaigh followed him, burning the port town of Dingle and at least one castle in the cantreds of Osurrays and Offerba 'and whatever else the aforementioned Ó Briain had left untouched in Cairraige [Kerry]'.⁶⁸ The Uí Dhonnagáin (O'Donegan), Brian Bán Ó Briain, the Uí Chonchobair Ciarraige-

⁶² Phillips, 'Documents', pp. 251, 256.

⁶³ Phillips, 'Documents', pp. 251, 255.

⁶⁴ Phillips, 'Documents', pp. 251-3, 255-7.

⁶⁵ Frame, *Ireland and Britain*, p. 95; Otway-Ruthven, *Med. Ire.*, p. 229; J.F. Lydon, 'The Bruce invasion of Ireland: an examination of some problems', Duffy (ed) *Robert the Bruce's Irish Wars* (Stroud, Gloucestershire, 2002) pp. 78-9; S. Duffy, 'The Bruce invasion of Ireland', Duffy (ed) *Robert the Bruce's Irish Wars* (Stroud, Gloucestershire, 2002) p. 27.

⁶⁶ Frame, *Ireland and Britain*, p. 95.

⁶⁷ NAI RC 8/10, pp. 525-6, 529-30, 534-5; Frame, *Ireland and Britain*, p. 95.

⁶⁸ *AI*, 1316.5-6.

Luachra, (O'Connors of Kerry) and the Uí Cheinneide (O'Kennedy) were also raiding in Limerick and Kerry at the same time. Maurice set out with his men for his manor of Newcastle Oconyll in Limerick but the Uí Dhonnagáin had destroyed much of the region. Maurice therefore had to seize victuals from Rathkeale.⁶⁹ He then set out to restore order.⁷⁰ In 1318, Maurice fitz Thomas was charged with the theft of victuals from Rathkeale and with treating with the rebellious Irish. A jury quickly cleared him of these charges as these actions had been in defence of the king's faithful in Limerick and Kerry.⁷¹

But what did these Irish raids and attacks represent? Were they support for the Bruce cause or opportunistic attempts to regain land, gain plunder or simply seek revenge? The Anglo-Irish attributed this increased raiding and violence to the Scottish invasion but they do not usually state clearly that these Irish were acting in support of Edward Bruce. In the case of Donnchad Ó Briain of Clann Bhriain Ruaidh, king of Thomond, the notion that his raids into Kerry were in support of the Scottish invasion can be substantiated, at least after this raid. Donnchad was deposed by Muirchertach Ó Briain of Clann Taidgh while he was in Kerry.⁷² Donnchad, therefore, went to Bruce with his forces and accompanied him in 1317 promising that Thomond would rise in their support. However, when the Scots arrived at the Shannon, they found 'Thomond gathered on the opposite bank'.⁷³ A few skirmishes followed and the Scots withdrew.⁷⁴ Donnchad remained and was able to overthrow Muirchertach. This was only a temporary setback for Muirchertach who quickly regained his position after his brother Diarmaid killed Donnchad.⁷⁵ It seems likely that those listed as raiding Limerick and Kerry with Brian Bán, Donnchad's brother, in 1316 (the Uí Dhonnagáin, the Uí Chonchobair Ciarraige-Luachra, and the Uí Cheinneide) had probably also been

⁶⁹ A manor held by John Mautravers who was at that time absent in England.

⁷⁰ NAI KB 1/2, m. 17; T.J. Westropp, 'The Desmonds' castle at Newcastle Oconyll, Co. Limerick', *JRSAI*, 19 (1909) p. 48; Frame, *Ireland and Britain*, pp. 86-7.

⁷¹ NAI KB 1/2, m. 17.

⁷² *AI*, 1316.8.

⁷³ *Caithréim Thoirdhealbhaigh*, ii, pp. 83-4.

⁷⁴ *Caithréim Thoirdhealbhaigh*, ii, pp. 83-4; Duffy, 'The Bruce invasion', p. 37.

⁷⁵ *AI*, 1316.3, 1316.5.

temporarily recruited to Clann Bhriain Ruaidh's cause if not necessarily to the Bruces' cause.

The status of the Mic Charthaigh raids is less clear cut. The main evidence for Mac Carthaigh support for the Bruce invasion was a letter from Domnal Ó Néill to 'Finnen' Mac Carthaigh which has since been shown by Ó Murchadha to be an eighteenth-century forgery.⁷⁶ It has also been claimed that 'Donal, son of Donough, sixth son of king Cormac IV Fionn MacCarthy Mór of Desmond' served in Edward Bruce's army and, on Edward's death, moved to Scotland and served his brother.⁷⁷ Unfortunately, the author cites no evidence and I have been unable to find reference to this 'Donal' in the contemporary sources or the secondary literature on the period. Diarmait and Diarmaid Óg Mac Carthaigh were pardoned for their role in the rebellion but there is no further evidence for collusion with the Scots by either Diarmait or any other Mic Charthaigh.⁷⁸

During Edward Bruce's campaign to the Shannon in 1317, Maurice fitz Thomas once again did not join the justiciar but on 25 February at Dungarvan, Maurice provided for the justiciar, Edmund Butler, and 50 men at arms at his own expense.⁷⁹ Butler may have been perfectly happy with this state of affairs, as it meant that if the Irish of Munster rebelled Maurice would be free to deal with them while Butler and his small force continued to track the Scots. Maurice seems to have played no further part in the history of the Bruce invasion but that is hardly surprising as the only other major event was the battle of Faughart a year and a half later where Edward Bruce was killed and the invasion finally came to an end.

Though Maurice fitz Thomas's lordship had suffered no attack by the invading Scottish army, it had still suffered considerably from Irish raiding which accompanied the Bruce invasion. However, Maurice almost certainly emerged better off from this

⁷⁶ Originally printed by H. Wood ('Letter from Domnal O'Neill to Fineen MacCarthy, 1317', *PRIA*, C, 37 (1926) pp. 141-8) who showed some reservations about its authenticity, this letter was shown to be a later creation by D. Ó Murchadha ('Is the O'Neill-MacCarthy letter of 1317 a forgery?', *IHS*, 23 (1982) pp. 61-7).

⁷⁷ The Count of Clandermot, 'Gaelic heraldry and the kingdom of Desmond', *An Irish Miscellany* (Little Rock, Arkansas, 1998) p. 72.

⁷⁸ *RCH*, p. 25, no. 160; Wood, 'Letter', p. 145.

⁷⁹ Frame, *Ireland and Britain*, pp. 96, 103, 107-8.

episode. He received substantial financial rewards, but the importance of these is not linked to whether or not they covered the cost of his losses due to the Irish raiding (they almost certainly did not) but rather the royal opinion which they reflect: his service to the lordship had been noted by the crown. Maurice was also left with substantial leverage against the Irish who had revolted. With the failure and withdrawal of the Scots, the Irish of Munster would have needed to re-establish their relationships with Maurice and he would have been in a strong position to negotiate terms following their disloyalty. Clann Bhriain Ruaidh, in particular, were vulnerable, having both turned against their old allies and lost to Clann Taidgh. Donnchad Ó Briain's brothers were once again in desperate need of allies so Maurice would have been able to dictate terms to them when they returned to his service.

The Clare Inheritance

In 1321, Maurice fitz Thomas entered into one of the most protracted and ambiguous landholding disputes of his career: his seizure of the Clare lordship following the death of Thomas Clare in late February. In April 1321 Maurice's seizure of the Clare inheritance was temporarily legitimised; eight years later he obtained a technically defective claim to the Cork lands through Thomas Carew; and one inquisition (out of many) did state that he held the land of the king and the heiresses held of him: but there is no indication that Maurice had any legal claim to the land in March 1321. Maurice fitz Thomas's intentions are unclear at several points and at least one crucial document has not survived, but a close inspection of the surviving material does tell much of the story, though multiple interpretations are possible.

As has been discussed above, Richard Clare died at the battle of Dysert O'Dea in 1318, leaving his very young son, Thomas, as heir. Following Richard's death, the bulk of his lands were placed in the custody of Maurice Rocheford and Maurice fitz Thomas. Initially some of the lands were placed in the hands of other lords: John le Poer, baron of Dunoyl and William fitz John, archbishop of Cashel and chancellor of Ireland.⁸⁰ However, by August 1318, the Clare lands were in the sole custody of

⁸⁰ O'Brien, 'Territorial ambitions', p. 67; 42nd Rep. DKL, p. 20; 47th Rep. DKL, pp. 67-8.

Maurice Rocheford.⁸¹ Two years later the custody was granted jointly to Rocheford and Maurice fitz Thomas in response to a petition sent to the English parliament on behalf of the young Thomas Clare.⁸² The petition requested that custody be granted jointly to Rocheford and fitz Thomas because they would be better able to defend it. The reasons for the petition were spelled out as follows:

when Sir Gilbert de Clare his uncle was in wardship of our late lord king, by default of the king's ministers who had custody of his lands in Ireland, his Irish enemies threw down his castles and destroyed his lands and manors, so that when Sir Richard de Clare, brother and heir of Sir Gilbert, received his lands from the king, he found his lands, manors and castles in Ireland overthrown and destroyed.⁸³

It is hardly surprising to find that Maurice fitz Thomas was their preferred choice for custodian considering his close relationship to the Clares. As has been discussed above, the Clares and the Desmond Geraldines had been allies both against the native Irish of the region and against the Burghs for many years and it seems likely they were related by marriage. The two families also held land of each other: Thomas fitz Maurice had been granted Killorglin, Co. Kerry by Thomas Clare and the Clares held the *theodum* of Moitanenagh [Mahoonagh] and two townships near Kinsale called Balyiryn⁸⁴ and Balycas of the Desmond Geraldines.⁸⁵

Thomas Clare died at the end of February 1321. Just after Thomas's death and before any royal action was taken, Maurice fitz Thomas seized control of all the Clare lands despite having no apparent claim to them. There is no explanation evident in the records of the time except what O'Brien terms 'Maurice fitz Thomas's territorial ambitions'.⁸⁶ It is difficult to believe that Maurice actually intended to hold these lands indefinitely unless he had, or believed he had or could fabricate, some claim to the land. It seems more likely that he decided to keep the lands at a later date after the situation had altered and he had obtained a claim to them. Thomas Clare's co-heiresses were his aunts Maud, wife of Robert Wells, and Margaret, wife of Bartholomew Badlesmere, the

⁸¹ CCR, 1318-23, p. 84; 47th Rep. DKI, pp. 67-8.

⁸² RP, i, p. 385, no. 118; CPR, 1317-21, p. 523.

⁸³ PRO-SC-8/4/182; 'SC 8', AH, 34 (1987) p. 7; Frame, *Ireland and Britain*, pp. 199-200.

⁸⁴ Balyowen in the 1298 extent.

⁸⁵ NAI RC 7/2, pp. 331-7; CIPM, vi, p. 159; CDI, 1285-92, pp. 458-9, no. 1028; CDI, 1293-1301, p. 257, no. 551.

steward of the royal household.⁸⁷ it seems unlikely that Maurice believed he could withhold the lands of the steward of the royal household without a firm legal right. It is also conceivable that Maurice was acting to defend the lands from Irish raids (such raids would have threatened his land holdings as well) but there is no indication of a threat from that quarter in 1321.⁸⁸ The most likely explanation is that he hoped to maintain custody of the lordship while it was in the king's hands and, operating on the accurate assumption that the crown would ratify his custody if he was already in place, he simply retained the lands in spite of the resumption order which followed Thomas's death: no effort was made to replace him as custodian at that time.

Whatever Maurice's long-term intentions were, his hold on the Clare inheritance was quickly accepted by the royal grant dated 12 April 1321 which officially placed the lands jointly in the custody of Maurice fitz Thomas and Maurice Rocheford.⁸⁹ The following May, the king also granted all the castles held by Richard Clare to Maurice fitz Thomas during pleasure.⁹⁰ Up to this point, Maurice's actions would seem to be in the best interests not just of himself but also of those who were to inherit the lands. He was the strongest magnate in the area and could defend the lands from encroachment both militarily and because of his relationship with the Uí Bhriain and other prominent Irish dynasties in southern Connacht and western Munster.

The Clare lordship was quickly divided between the two heiresses. Maud and her husband Robert Wells were to hold Askeaton, Ainy and Corcomohide in Limerick; the cantred of Osurrys in Kerry; Bunratty and Quin in Thomond and the liberty of Thomond. Margaret and her husband Bartholomew Badlesmere were to hold Ardrahan in Connacht; Kinsalebeg in Waterford; Mortanenagh/Moytanenaght [Mahoonagh] in Limerick; Youghal and Inchiquin in Cork; and lands in the city of Limerick.⁹¹

⁸⁶ O'Brien, 'Territorial Ambitions', p. 67.

⁸⁷ Tout, *Chapters in the Administrative History of Medieval England*, vi (Manchester, 1933) p. 42

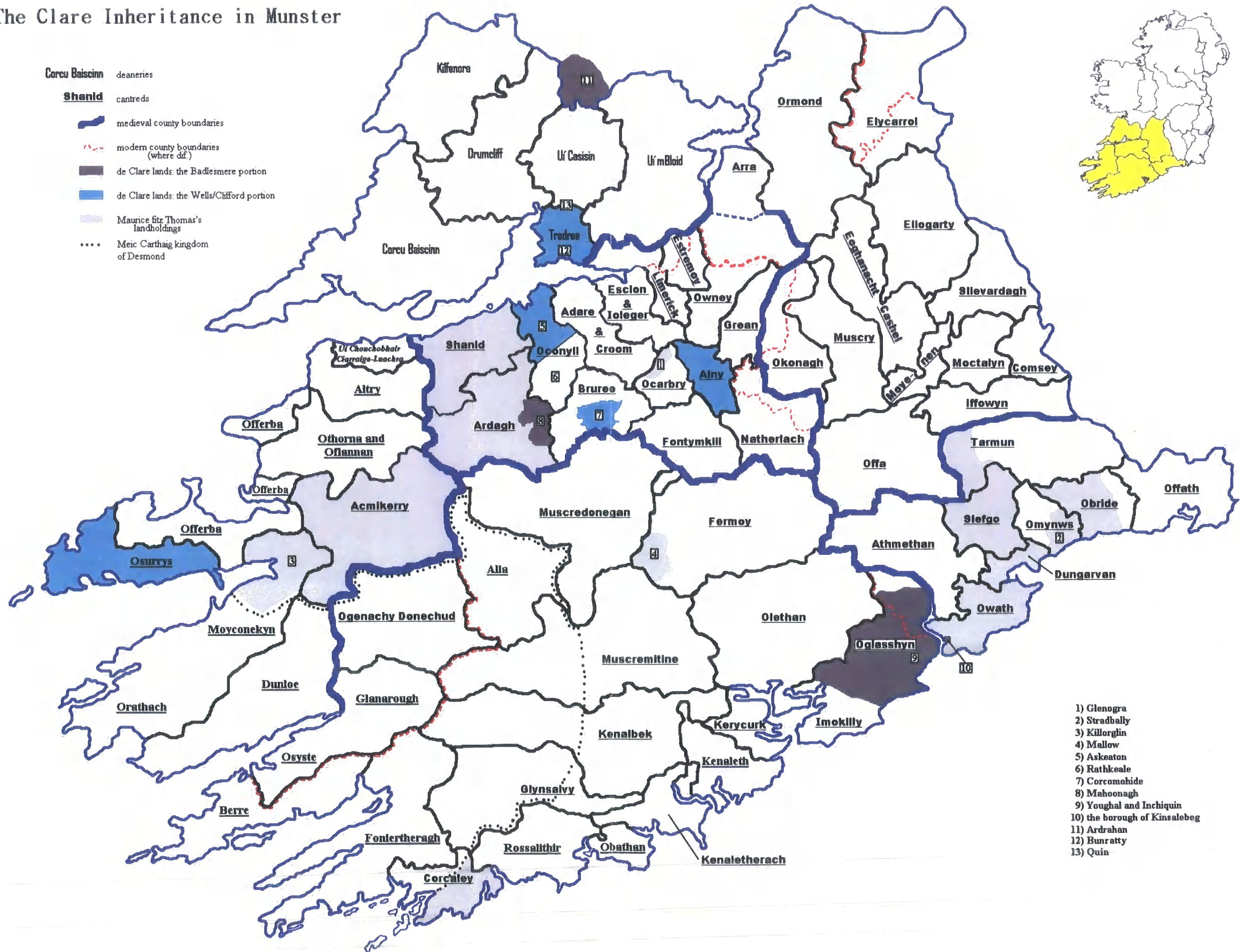
⁸⁸ 1320 had seen fighting between Clann Cuilein (the Mic-Connmara-of south-east and central Thomond) and the Uí Bhriain and 1322 saw an Ó Briain raid against the Anglo-Irish, but there is no indication of a greater threat (AC, 1320.4, pp. 254-5; AC, 1322.11, pp. 256-7).

⁸⁹ CFR, 1319-27, p. 50; 42nd Rep. DKI, pp. 37-8.

⁹⁰ RCH, p. 29, no. 98.

⁹¹ CFR, 1319-27, p. 123; CFR, 1327-37, pp. 35, 41; O'Brien, 'Territorial ambitions', p. 68.

The Clare Inheritance in Munster



And in April 1322, Maurice was ordered to surrender to Robert Wells and Maud their portion of the Clare inheritance. Aside from Bunratty castle, this portion of the inheritance is never mentioned in the later disputes. In 1327, following Maud's death, the lands were placed in the custody of Margaret Badlesmere until Maud's son and heir, Robert Clifford, came of age.⁹² Once these lands passed to the Cliffords, there is no indication that Maurice fitz Thomas interfered in them in any way offensive to the Cliffords:⁹³ further evidence that he did not intend to hold the lands when he seized them in 1321. Nor was this due to a lack of interest on the part of the Cliffords: they kept attorneys in Ireland throughout the 1330s and 1340s and in 1354 Roger Clifford seems to have visited his Irish lands.⁹⁴ One manor from this portion of the Clare lordship did end up in Maurice's hands: Askeaton.⁹⁵ This seems to have occurred later in the fourteenth century and must have been acceptable to the Cliffords because there is no evidence of a dispute. Most likely, the Cliffords, already heavily committed on the marches between England and Scotland, were happy to accept Maurice's overlordship in exchange for his protection of their Irish lands.

Bunratty alone proved to be a point of contention in the Wells/Clifford portion of the inheritance. Maurice fitz Thomas had held Bunratty from 1321 until sometime after April 1324 but then lost possession of it.⁹⁶ In November 1325 he (or at least some of his men) forcibly seized the castle.⁹⁷ At the time of this seizure, Richard Armeston, an attorney for the Wells was said to be the constable.⁹⁸ The castle was recovered by the crown, the Wells or the Cliffords sometime thereafter but once again seized by Maurice's men in 1331.⁹⁹ Maurice's interest in the castle is obvious: Bunratty was the linchpin of the English foothold in Thomond; Desmond may have considered this castle

⁹² *CFR*, 1327-37, pp. 35, 41.

⁹³ There is no indication that anything other than Robert Clifford's debts caused him any difficulty with his Irish lands. (*CCR*, 1327-30, pp. 248, 310; *CCR*, 1337-9, p. 139; *CCR*, 1339-41, pp. 95, 376; *CCR*, 1341-3, p. 275).

⁹⁴ *CPR*, 1330-34, pp. 322, 550; *CPR*, 1334-8, pp. 182, 312; *CPR*, 1338-40, p. 6; *CPR*, 1340-43, pp. 9, 386; *CPR*, 1343-5, pp. 54, 332; *CPR*, 1354-8, p. 89.

⁹⁵ *RCH*, p. 71, no. 101; Westropp, 'Notes on Askeaton', p. 31. See Chap. 3, p. 168.

⁹⁶ Frame, *English Lordship*, pp. 172-3.

⁹⁷ *Leg. Proc.*, pp. 8-9.

⁹⁸ *CPR*, 1321-4, p. 409; *CPR*, 1324-7, pp. 115, 122; Frame, *English Lordship*, pp. 172-3; the reference to 'the lord king's castle and town of Bunratty' (*Leg. Proc.*, pp. 8-9) should be taken as denoting loyalty to the king rather than suggesting that the king had taken seisin of the castle and town of Bunratty; as shown by the presence of the Wells' attorney as constable.

too important to the defence of Co. Limerick (and his own lands there) to leave it in the hands of an absentee.¹⁰⁰ How he intended to justify this seizure is unclear. Bunratty's fate after Maurice's arrest is also unclear. It is commonly held that the castle was destroyed in 1332 but it seems to have been quickly rebuilt as two years later there was once again a constable of that castle.¹⁰¹ The castle certainly continued to be occasionally held until 1355/6 when it was lost, leaving the town of Limerick as the border between 'Gaelic' Thomond and 'English' Limerick.¹⁰² The Badlesmere portion, on the other hand, was far more problematic.

1322 saw the seizure of Bartholomew Badlesmere's lands because he rebelled against Edward II and this may be when Desmond decided to try to appropriate the Badlesmere portion of the territory of his old Clare allies.¹⁰³ In 1324 John Darcy, the justiciar, was ordered to resume the lands of Bartholomew Badlesmere despite earlier grants to Maurice fitz Thomas but Maurice seems to have proved unwilling to release them, though there is also little indication of government effort to regain them.¹⁰⁴ It also seems that Maurice travelled to England around this time;¹⁰⁵ he may have been able to gain some concession from Edward II. Certainly by 1328 the Badlesmere lands were again recorded as being held in farm by Maurice.¹⁰⁶

Following Edward II's fall, the English administration in Ireland was slow to accept the change; Maurice fitz Thomas, James Butler and other Munster nobles seem to have been even slower. As late as 16 July 1327, Maurice and others were said to be unresponsive to the new justiciar.¹⁰⁷ Maurice may have been in contact with the new regime by this point, as a legal bid to block the Badlesmere claim was underway prior to

⁹⁹ Leg. Proc., p. 9; Frame, *English Lordship*, pp. 172-3.

¹⁰⁰ Certainly the community of Limerick believed this to be true - SC 8/193/9637; 'SC 8', *AH*, 34 (1987) p. 62.

¹⁰¹ *Clyn*, p. 24; Simms, 'Dysert O'Dea', p. 65; S. Harbison, 'William of Windsor and the wars of Thomond', *JRSAI*, 119 (1989) pp. 99; *RCH*, p. 37, no. 141.

¹⁰² A.J. Otway-Ruthven, 'Ireland in the 1350's: Sir Thomas Rokeby and his successors', *JRSAI*, 97 (1967) p. 50; *RCH*, p. 64, no. 148; G.U. MacNamara, 'Bunratty, Co. Clare', *Journal of the North Munster Archaeological Society*, 3 (1915) p. 260.

¹⁰³ Frame, *English Lordship*, pp. 169-70.

¹⁰⁴ *CFR*, 1319-27, p. 269.

¹⁰⁵ *NAI RC* 8/14, p. 441.

¹⁰⁶ *43rd Rep. DKI*, p. 23.

¹⁰⁷ *CCR*, 1327-30, p. 206; Frame, *English Lordship*, p. 179. However, it is possible that the justiciar, the earl of Kildare, had been able to bring this problem to a conclusion a week before this writ was issued. See below, p. 62

this, but this legal problem was probably raised by royal ministers in pursuit of the crown's rights. On 12 July 1327, the king sent a writ to Dublin which stated that someone had informed him that the Clare lands had been held in tail-male and therefore should not have passed to heiresses.¹⁰⁸ Clare did hold in fee-tail but the grant was made before tail-male had evolved to the total exclusion of heiresses.¹⁰⁹ This issue is not raised again so the crown must have decided that in the absence of male heirs, heiresses were permissible or Margaret Badlesmere's influence was great enough to overcome this legal difficulty. In October 1328, the crown sent a writ to Maurice ordering him not to meddle further with the Badlesmere lands which Margaret and her son Giles had managed to recover in March 1327.¹¹⁰

Sometime prior to 1329, probably around 1324/5, Maurice fitz Thomas appears to have attempted to solidify his claim on the Badlesmere portion of the Clare inheritance by purchasing a claim to the land from Thomas Carew,¹¹¹ ostensibly making him Margaret's overlord. In Dublin in early June, this claim was accepted and an agreement was drawn up. Maurice then departed for England.¹¹² At Windsor on 27 July, Maurice delivered seisin of the Clare inheritance to Margaret, promised to defend the rights of his new sub-tenant, and admitted he had detained her lands after they were restored to her in 1327. He was further appointed as her attorney in Ireland.¹¹³ This was part of a wider settlement brokered by the Mortimer regime which also saw Maurice created earl of Desmond and will be discussed below.¹¹⁴

Unfortunately, Thomas Carew's claim was also legally defective. The Clare lands (now descended to the Badlesmeres) had originally been held by Robert fitz Stephen, a bastard, who had been granted half of the lordship of Desmond (originally

¹⁰⁸ *CCR, 1327-30*, pp. 148-9.

¹⁰⁹ Orpen, *Normans*, iv, p. 66.

¹¹⁰ *CCR, 1327-30*, p. 322; O'Brien, 'Territorial ambitions', pp. 68-9; P.R. Dryburgh, 'The career of Roger Mortimer, first earl of March', Ph.D. thesis (Bristol, 2002) pp. 138.

¹¹¹ This purchase, or perhaps trade, was probably made around 1324/25 when Maurice fitz Thomas granted the serjeanty of Dymakkyll [Imokilly] to Thomas Carew (42nd Rep. DKL, p. 57; K.W. Nicholls, 'The development of lordship in county Cork, 1300-1600', *CHS*, p. 188). If the trade/purchase was made then, this may also be the reason for the Dublin government's lack of effort to remove Desmond in the mid 1320s.

¹¹² See below, pp. 52-3.

¹¹³ *CCR, 1327-30*, pp. 563-4; Frame, *English Lordship*, pp. 187-9; Dryburgh, 'Roger Mortimer', p. 141.

¹¹⁴ See below, pp. 52-5.

comprised of most of Cork and Kerry and Limerick) in or around the year 1177.¹¹⁵ At some point after Robert's death, the Carews claimed the land as relatives and heirs of Robert fitz Stephen despite the fact that in English law a bastard could have no heirs but his own descendants and Robert had died without issue. In 1320, Thomas Carew inherited these lands from his father Maurice and a 1321 inquisition into the lands of Thomas Clare had indeed indicated that Clare held these lands of the Carews, the heirs of Robert fitz Stephen,¹¹⁶ thereby granting their claims some implied and customary, if not legal, validity. Even the crown had expressed no doubts about the Carews' claim and had repeatedly demanded the rents and service due from it.¹¹⁷ But why, then, had Carew not attempted to gain his rights in Inchiquin, Youghal, and Kinsalebeg prior to selling that claim to Desmond? Most likely because the lineage had fallen on difficult times: the Carews had been attempting to convince the crown to collect the service they owed for Desmond from their theoretical subtenants at the turn of the century because of the erosion of their lordship.¹¹⁸

This deal, which seems to be in both parties' best interests, appears to have collapsed immediately. It would appear that Maurice fitz Thomas failed to fulfil his side of the bargain and Margaret, it seems, remained disseised. In 1330, the crown once again ordered the lands and their profits to be turned over to Margaret but the Dublin government was unable to carry out the writ immediately.¹¹⁹ It seems unlikely that Maurice had no intention of honouring his deeds when he made them.¹²⁰ It seems more likely that some portion of the situation changed. One of the most likely points of difficulty was the payment of the issues of the lordship. Maurice owed Margaret issues of the lordship of Inchiquin since her recovery of her husband's lands: he probably would have been unable and certainly would have been unwilling to pay this out in a

¹¹⁵ PRO C 47/10/19/7; O'Brien, 'Territorial Ambitions', p. 61, n. 9; P. McCotter, 'The cantreds of Desmond', *JCHAS*, 105 (2000) p. 50; McCotter, 'sub-infeudation... (part i)', p. 64; P. McCotter, 'The Carews of Cork (part i)', *JCHAS*, 98 (1993) p. 61.

¹¹⁶ *CIPM*, iv, pp. 235-7.

¹¹⁷ *CCR*, 1327-30, pp. 24, 58; *CFR*, 1327-37, p. 286.

¹¹⁸ 'SC 8', *AH*, 34 (1987) p. 33; McCotter, 'The Carews... (part i)', pp. 61-74; P. McCotter, 'The Carews of Cork (part ii)', *JCHAS*, 99 (1994) pp. 66-82.

¹¹⁹ *CCR*, 1330-3, pp. 24, 58; *NAI RC* 8/16, pp. 108, 117, 228.

¹²⁰ The continuation of violence between him and the Burghs does cast some suspicion on his sincerity at this time but that, as will be discussed below, seems to have been due to the two earls' inability to control their adherents and lineages (see below, p. ???).

single payment. A second possibility is that Margaret became aware of the situation the newly created earl was in (perhaps even a notion of his impending arrest) or of the legal defects in the Carew claim (aside from the question of the Carews inheriting land from a bastard, Maurice had obtained the claim without royal licence). She may have been seeking to take advantage of his precarious position, just as he had done to her husband in 1322.

In 1331 the justiciar, Anthony Lucy, was ordered to seize the lands and to hold an inquisition into Desmond's claims to them.¹²¹ As Maurice fitz Thomas's claim to Inchiquin was again the issue of the inquest, it seems likely that Margaret Badlesmere was refusing to accept her new lord. The mandate was finally executed in August, fifteen days after Maurice was taken into royal custody because of his actions in Waterford and Tipperary over the past decade.¹²² This inquisition revealed the flaws in the Carew claim which Maurice had purchased.¹²³ In fact, if it had been held by any other magnate, the jury probably would have accepted this claim to prevent the lands passing to absentees, but the inquisition was held before a jury made up of the gentry of Co. Cork who had been fending off Maurice's attempts to expand his lordship into Cork throughout this period and were unlikely to be sympathetic to him.¹²⁴

With Maurice fitz Thomas's arrest, his lands were taken into the king's hands and Margaret Badlesmere finally received seisin of her portion of the Clare inheritance. In 1333, when she died, the lands passed to her son Giles Badlesmere.¹²⁵ Maurice seems to have made no attempt to interfere with Giles's lands in Ireland and in 1338 Giles himself died without issue leaving his four sisters as co-heiresses.¹²⁶ But the matter was not truly settled and this dispute would again surface during the 1340s.

¹²¹ O'Brien, 'Territorial ambitions', p. 86.

¹²² See below, pp. 58-60.

¹²³ PRO C 47/10/19/7; O'Brien, 'Territorial ambitions', p. 87.

¹²⁴ McCotter, 'Sub-infeudation....(part i)', p. 78.

¹²⁵ 44th Rep. DKI, p. 59. O'Brien's basis for assuming that 'the escheator was unable to seize them [Margaret's portion of the Clare inheritance] and that Giles never gained possession' is far from clear (O'Brien, 'Territorial ambitions', p. 69). The escheator states that he delivered the lands and their profits to Giles (44th Rep. DKI, p. 59). There is no indication that Giles had any difficulty gaining seisin and his appointment of attorneys in Ireland shows that this silence is not due to a lack of interest but rather a lack of difficulty (RCH, p. 39, no. 87; p. 42, no. 16; Frame, *English Lordship*, p. 69).

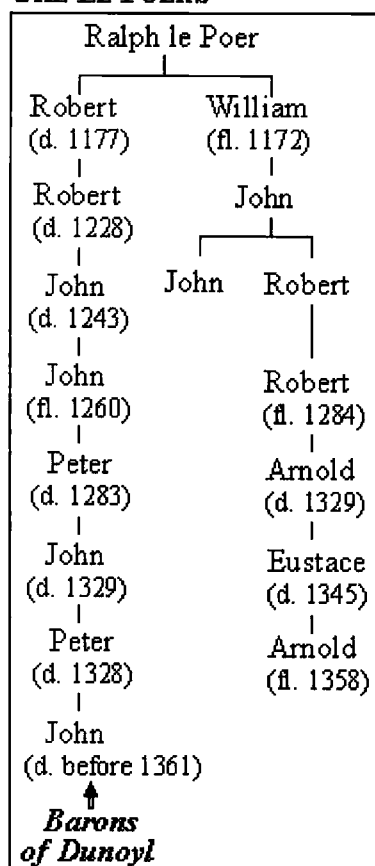
¹²⁶ O'Brien, 'Territorial ambitions', p. 69.

Le Poer and Burgh/Desmond Geraldine Feud

As the dispute over the Clare inheritance picked up momentum in the 1320s, Maurice fitz Thomas's relationship with neighbouring Anglo-Irish lords also deteriorated. The most significant of these disputes was his conflict with the le Poers: a conflict which rapidly escalated into a feud between the two families and disrupted the administration of the region. The cause of friction was that the le Poers' ambitions in Waterford were in direct competition with Maurice's. This dispute seems to have begun as a dispute over several manors in Co. Waterford and grew into a more general conflict over authority in the region. Maurice controlled most of the western half of the county: the honor of Dungarvan.¹²⁷ The le Poers, a family jointly headed by John le Poer, baron of Dunoyl and Arnold le Poer, controlled much of the eastern portion of the county.¹²⁸ Conflict between the two was perhaps inevitable.

By the 1320s, Maurice had already made legal attacks on le Poer land holdings and was attempting to expand his lordship and influence in Waterford. The importance of Dungarvan to the Desmond Geraldines at this time would have been considerable. It was the most profitable portion of their lordship and also the most secure because it lay completely within an Anglo-Irish controlled portion of Ireland and was not open to frequent raids or attacks by the Irish.¹³⁰ It was here that the Desmond Geraldines and le Poer lordships met: the barony of Dunoyl bordered on the eastern edge of the honor of Dungarvan. But, more importantly, with the territory largely split between the two and most of the gentry of the

THE LE POERS¹²⁹



¹²⁷ See Chap. 3, pp. 148-52.

¹²⁸ See C. Parker, 'The Politics and Society of County Waterford in the Thirteenth and Fourteenth Centuries', Ph. D. thesis (TCD, 1992) pp. 27-30, 209, 383-95 for le Poer landholdings and the dual-leadership role played by Arnold and John.

¹²⁹ Parker, 'Politics and society', pp. 378, 380.

¹³⁰ Margaret, Maurice fitz Thomas's mother, and Reginald Russel, her second husband, held Dungarvan as Margaret's dower. However, Maurice may have been administering Dungarvan but turning some or all of the profits over to Reginald and Margaret (see Chap. 3, pp. 176-7).

county in the camp of one or the other of these powerful families, control of the offices of local government was contested as well.¹³¹ The le Poers' strong connection with the Burghs may also have added to the growing Geraldine concern. Although Maurice and Richard Burgh seem to have temporarily resolved their dispute by the early 1320s,¹³² Maurice may not have been eager to find Burgh's influence growing so close to his most successful holdings.

The other Munster magnate family, the Butlers, also became involved in this dispute on the side of Maurice fitz Thomas. The Butlers' support of Maurice's efforts and the raiding of le Poer lands in Tipperary probably indicates that just as Maurice was clashing with the le Poers over authority in Waterford, the Butlers were finding them a nuisance in Tipperary and Kilkenny as well.¹³³

It seems likely there was also a second point of conflict within this feud. In his book *English Lordship in Ireland*, Frame suggested that this feud was connected with Maurice fitz Thomas's occupation of the Clare inheritance. He based this theory on two points. The first, and the only one discussed in the main text, is a 1326 campaign: in that year the justiciar set out with an army to recapture Bunratty castle and to end the fitz Thomas/le Poer feud.¹³⁴ The connection between these two aims is probably not the Clare inheritance as Frame suggested but an intention to bring the recalcitrant Maurice fitz Thomas back into line. Frame's second point, relegated to several footnotes, is the le Poer link to the Clare lands and the Badlesmeres.¹³⁵ John le Poer, Baron of Dunoyl held lands of Margaret in Limerick and she was related to his allies the Burghs.¹³⁶ She was also granted custody of the baron of Dunoyl's heir in 1329.¹³⁷ There was also a slim connection between the le Poers and the Clare inheritance: John had had custody of the Clare lands briefly in 1318 but had lost them to Maurice Rocheford.¹³⁸ It is therefore

¹³¹ Parker, 'Politics and society', pp. 203-4, 188-238.

¹³² As shown by Richard's substantial grant to Maurice and Katherine in 1323 (LPL MSS 608, m. 26d; CCM, *Books of Howth*, p. 363; see above, p. 31).

¹³³ Frame, *English Lordship*, p. 182 (though rather less emphatically).

¹³⁴ Frame, *English Lordship*, pp. 172-3.

¹³⁵ Frame, *English Lordship*, p. 182, n. 105.

¹³⁶ CCR, 1327-30, p. 136; Frame, *English Lordship*, p. 182, n. 105; Frame, *English Lordship*, p. 182, n. 105.

¹³⁷ CFR, 1327-37, p. 157; Frame, *English Lordship*, p. 182, n. 105.

¹³⁸ 42nd Rep. DKI, p. 20; PRO E 101/237/9; Frame, *English Lordship*, p. 159, n. 4; p. 182, n. 105.

possible that this feud was further encouraged by the le Poers and Burghs acting on behalf of at least one of the Clare heiresses.

It is unclear when this conflict became violent but it drew government attention during the second half of the decade and probably began several years prior to 1325 when the crown first ordered Maurice fitz Thomas and the le Poers to cease fighting.¹³⁹ As was mentioned above, by 1317 Maurice was already engaged in a legal dispute with the le Poers over several manors in Waterford (particularly the manor of Kilmeadan)¹⁴⁰ but it seems likely that this dispute only became violent at a later time because there was also evidence of le Poer/Desmond Geraldine collusion in the later 1310s.¹⁴¹ It may be that the violence resulted from actions taken by the le Poers while Maurice was in England in 1324.¹⁴²

Following the crown's 1325 writ, ordering Maurice fitz Thomas and the le Poers to cease fighting it seems order was temporarily restored.¹⁴³ In July 1326 Maurice and John le Poer, Baron of Dunoyl were given four months to treat with their followers 'and sheriffs were to abandon their attempts to arrest them'.¹⁴⁴ But in 1327, the Desmond Geraldine/le Poer feud once again exploded into open violence with James Butler and the Berminghams joining Maurice fitz Thomas and the Burghs supporting the le Poers.¹⁴⁵ The timing is obvious; the disruption of royal power caused by Mortimer's overthrow of Edward II gave Anglo-Irish lords the opportunity to renew their private wars without fear of immediate repercussions. Preparations for this resurgence of violence seem to have begun soon after peace had been restored in 1326.¹⁴⁶

In 1327, Arnold le Poer 'came to the aid' of his allies the Burghs but it is unclear what the threat to the Burghs was. Following this incident, Maurice and his allies, the Butlers and Berminghams, began raiding the le Poer lands. This renewed violence, the

¹³⁹ *RCH*, p. 32, nos. 99-100; *Parliaments and Councils of Medieval Ireland*, H.G. Richardson and G.O. Sayles (eds) i (Dublin, 1947) pp. 203-4; *CCR, 1327-30*, p. 397; *43rd Rep. DKI*, p. 28.

¹⁴⁰ *NAI RC 8/11*, pp. 9, 236, 244, 484-5, 818-19.

¹⁴¹ Maurice fitz Thomas and Eustace le Poer were accused of disseising Geoffrey le Poer and his son from 200 acres in Grenandounkerny (*NAI KB 2/11*, m. 86d).

¹⁴² *NAI RC 8/14*, p. 441.

¹⁴³ *RCH* p. 32, nos. 99-100.

¹⁴⁴ Frame, *English Lordship*, p. 172; *RCH*, pp. 33-4, nos. 20-1.

¹⁴⁵ *St. Mary's Abbey*, ii, p. 364; *Grace*, p. 103.

beginning of five years of conflict, was said to have been the result of Arnold le Poer calling Maurice fitz Thomas a rhymer, a term describing a travelling Irish poet.¹⁴⁷ Maurice's rage at this comment was originally taken by historians to be a reaction to being called Irish but more recently it has been suggested that 'Arnold's insult was that composing harmless [verse] was all Maurice was fit for'.¹⁴⁸ However, as Orpen has pointed out, 'this gibe... was obviously a symptom of the quarrel not its cause'.¹⁴⁹ In this instance, the dispute was the same as it had been ten years earlier, even the initial point of tension remained: the court case over Kilmeadan which had begun ten years earlier was still being contested.¹⁵⁰ Maurice and his allies proceeded to attack le Poer holdings throughout Waterford and Tipperary.¹⁵¹ Maurice and his allies were said to have done around £100,000 damage to the le Poer lands.¹⁵² (Unfortunately no figures are available for the damage done to Maurice's lordship.)

Arnold le Poer, with John le Poer, baron of Dunoyl, was forced to flee to Waterford town. The justiciar called on the two parties to meet and settle the dispute but instead Arnold fled to England in February 1328. Fitz Thomas and his allies continued to attack le Poer's lands and the only action taken by Dublin at that time seems to have been to warn the towns in the region to defend themselves.¹⁵³

In 1328, Thomas fitz John, earl of Kildare and justiciar, called a parliament at Kilkenny. Maurice fitz Thomas and his allies attended the parliament to explain that their actions were not directed against the king or his lands but only against le Poer and his adherents and, therefore, requested the king's charter of peace. The justiciar took no immediate action and, instead, designated a day after Easter (3 April) for the king's

¹⁴⁶ Frame has suggested this was the intent of the 'illicit gatherings' banned in December 1326 (Frame, *English Lordship*, p. 177; *RCH*, p. 35, nos. 60-1).

¹⁴⁷ *St. Mary's Abbey*, ii, p. 364; *Grace*, p. 103; *Leg. Proc.*, p. 7.

¹⁴⁸ E. Mullally, 'Hiberno-Norman literature and its public', Brady (ed.) *Settlement and Society in Medieval Ireland* (Kilkenny, 1988) p. 333. See also S. Duffy, *Ireland in the Middle Ages* (London, 1997) pp. 147-9.

¹⁴⁹ Orpen, *Normans*, iv, p. 223.

¹⁵⁰ NAI RC 8/15, pp. 157-8. At least one other case between the le Poers and fitz Maurice was also ongoing at the time (Frame, *English Lordship*, p. 182; NAI 1A/49/133, p. 243).

¹⁵¹ *St. Mary's Abbey*, ii, p. 365; *Grace*, p. 103; *Clyn*, p. 19; *Leg. Proc.*, p. 7.

¹⁵² *Leg. Proc.*, p. 7.

¹⁵³ *St. Mary's Abbey*, ii, pp. 365, 367; *Grace*, pp. 103, 109.

council to decide the issue.¹⁵⁴ Richard Ledred (or Leatherhead), bishop of Ossory, another of le Poer's enemies, was also able to clear his name of accusations that he had incited these attacks on le Poer during the Kilkenny parliament. A number of those who supported the bishop's innocence were allies of Maurice fitz Thomas,¹⁵⁵ but others had no connection to Maurice and at least one, Raymond Archdeacon, was probably hostile to him.¹⁵⁶ However, these accusations resurfaced, probably during Maurice fitz Thomas's later difficulties, when Richard was accused of further misdeeds.¹⁵⁷ It seems certain Richard was in collusion with le Poers' other enemies: he may have been technically innocent of inciting attacks on Arnold le Poer but only on the grounds that Maurice and his allies needed no further instigation to attack.

Efforts to bring about peace continued to be ineffective. In June 1328, another letter was sent to John Bermingham the earl of Louth, Arnold le Poer, Walter fitz William Burgh, James le Butler, Maurice fitz Thomas, and John fitz Robert le Poer demanding that they end their armed conflict.¹⁵⁸ It was probably also around this time that the justiciar, Roger Outlaw, led a force, originally assembled to deal with rebellious Irish in Leinster, into Munster in an attempt to establish peace but this also had little effect.¹⁵⁹

Later that year, Arnold le Poer returned from England, probably in the company of his ally, William Burgh earl of Ulster, who returned to Ireland around the same time.¹⁶⁰ On his arrival, it seems Arnold le Poer set out to engage Maurice fitz Thomas but Richard Ledred, the bishop of Ossory, charged Arnold with heresy. Arnold was summoned by the justiciar but he ignored the summons 'by reason of lying in wait for his enemies'. This forced the justiciar, Roger Outlaw, to arrest him and place him in

¹⁵⁴ *St. Mary's Abbey*, ii, p. 365; *Grace*, p. 103.

¹⁵⁵ Among those who supported the bishop against these charges were three other bishops, Walter le Rede, bishop of Cork (July 1327-Oct. 1329 when he was translated to Cashel), John Leynagh, bishop of Lismore (April 1323-Dec. 1354), and Nicholas Welified, bishop of Waterford (April 1323-June 1337), Maurice fitz Thomas, James Butler (future earl of Ormond), John Bermingham earl of Louth, Thomas Butler and William Bermingham, and five knights (Raymond and William Archdeacon, David Becket, John le Blancheville and Roger Pembroke) (*Parliaments and Councils*, i, pp. 203-4).

¹⁵⁶ See below, p. 56.

¹⁵⁷ Cam. MS ADD 3104, p. 69; *Parliaments and Councils*, i, pp. 203-4.

¹⁵⁸ *CCR*, 1327-30, p. 397.

¹⁵⁹ *43rd Rep. DKL*, p. 28.

¹⁶⁰ Frame, *English Lordship*, p. 186.

Dublin castle. Ledred then charged Outlaw with heresy as well, but Outlaw was able to clear himself. Arnold, on the other hand, was to be tried at the Dublin Parliament after Lent but died before his trial. The Dublin annals relate one final indignity: because he died before clearing his name of heresy, he 'was long unburied'.¹⁶¹ This was not the first, but rather the last fatality in a string of deaths which left the le Poers leaderless: John le Poer, baron of Dunoyl had died six months earlier and his son had died in 1328 leaving John's young grandson as heir.¹⁶² Arnold le Poer's son Eustace lacked his father's connections and without the help of a baron of Dunoyl was unable to exert control over the lineage.¹⁶³ The feud between Maurice fitz Thomas and the le Poers did not end with an agreement being reached between the protagonists or with the crown enforcing a settlement. Instead, the leaderless le Poer lineage capitulated by default. No member of the family was able to secure control of the lineage and the le Poers began to decline as a coherent force in Waterford.¹⁶⁴ The le Poers ceased to be a significant challenge to fitz Thomas's position in Waterford and, as we will see, Eustace's search for a patron would eventually lead him into Maurice fitz Thomas's camp.

Most of the information concerning this dispute comes from the Anglo-Irish annals and inquisitions held against the first earl of Desmond. The representation in these sources of the conflict in Munster during the 1320s would seem to indicate Maurice fitz Thomas was the main instigator and that most of the violence was concentrated in Tipperary. However, it is clear that this picture is somewhat skewed. As was discussed above, this feud grew out of disputes over land and lordship in Waterford and blame can not be assigned so lightly.¹⁶⁵

The suggestion that the violence was concentrated in Tipperary is equally problematic. The inquisitions against Maurice fitz Thomas only mention raids in Co.

¹⁶¹ *St. Mary's Abbey*, ii, pp. 367-9; *Clyn*, p. 20; *Grace*, p. 111.

¹⁶² *Clyn*, pp. 19-20; Frame, *English Lordship*, pp. 179, 187.

¹⁶³ Parker, 'Politics and society', p. 121.

¹⁶⁴ Parker, 'Politics and society', p. 27.

¹⁶⁵ See above, pp. 45-5.

Waterford once,¹⁶⁶ and the annals fail to mention Waterford specifically; however the violence certainly extended to Waterford and seems to have been more disruptive there than in Tipperary. The offices of local administration could not be carried out in Waterford during the final years of the 1320s because of the feud,¹⁶⁷ though it caused no similar disruption in Tipperary. Furthermore, Arnold le Poer and John le Poer baron of Dunoyl would hardly have needed to flee to the city of Waterford in 1327, if their lands in Co. Waterford were not under attack.¹⁶⁸ The lack of information regarding the course of the feud in Waterford is also responsible for the near silence concerning the retaliation by Burgh and the le Poers against Maurice fitz Thomas (only two references to retaliatory raids survive¹⁶⁹).

Several of the reasons for these gaps in information are clear. Most obviously, we know little of the le Poers' activities because he was not the subject of intense scrutiny, as Maurice fitz Thomas was. Another major reason is that the Anglo-Irish annals, all based in Leinster, seem to be poorly informed on events in Munster beyond Tipperary. Le Poer raids against Desmond Geraldine holdings would probably have been concentrated on the closest and most valuable target: Dungarvan. Just as the Anglo-Irish annals say nothing of Geraldine raiding in Waterford, they say nothing about le Poer raiding there. The third reason is that the inquisitions against Maurice fitz Thomas are strangely quiet concerning Waterford. The inquisition taken there in the 1330s cite only his legal abuses in Dungarvan: they make no mention of raids against le Poer lands. This may, in part, be because only one inquisition was held in Waterford, but there may be another reason. Mogdan has pointed out that these inquisitions give a great deal of information not only about the activities of Maurice fitz Thomas but also about the expectations of the jurors involved.¹⁷⁰ Considering that feuds were

¹⁶⁶ G.O. Sayles, 'The rebellious first earl of Desmond', Watt, Morrall and Martin (eds) *Medieval Studies Presented to Aubrey Gwynn, S.J.* (Dublin, 1961) p. 208; Leg. Proc., p. 7.

¹⁶⁷ *Proc. king's council, Ire.*, 1392-3, pp. 98-9, no. 94; Parker, 'Politics and society', p. 370, n. 95.

¹⁶⁸ *St. Mary's Abbey*, ii, p. 365; *Grace*, p. 103.

¹⁶⁹ The first was in 1328 when Arnold le Poer ignored a summons to answer charges of heresy 'by reason of lying in wait for his enemies' (*St. Mary's Abbey*, ii, pp. 367-9; *Clyn*, p. 20; *Grace*, p. 111). As will be discussed below, the second was in 1330, when Walter Burgh (the head of a cadet branch of the Burgh family) attacked Maurice fitz Thomas's lands in Tipperary (See below, p. 57).

¹⁷⁰ S.C. Mogdan, 'Examining the Evidence: Maurice fitz Thomas and the "Legal Proceedings"', M.Phil. thesis (TCD, 1996) pp. 48, 51-3, 62.

commonplace in the region,¹⁷¹ jurors may have viewed the violence as justified or as a private war or they may have been unwilling to condemn Maurice for this feud on the grounds that they themselves would have done, and had done, the same.

With the collapse of the le Poer affinity in 1329, one might expect order to be restored but, despite loss of the initial impetus for the feud, the violence it engendered was not over. The le Poers lacked leadership, but their ally in the dispute, the Burghs, particularly the cadet branch led by Walter son of William Liath Burgh, was still hostile to Maurice fitz Thomas.

Maurice fitz Thomas and Mortimer

In 1328, prior to the collapse of the le Poers, the Mortimer regime seems to have decided on a policy to deal with the private warfare in Munster and end the dispute over the Clare inheritance in Ireland as well as to bring the Anglo-Irish magnates into a direct relationship with the regents of the new king. In 1328 James Butler was created earl of Ormond and married a grand-daughter of Edward I.¹⁷² A year later, Maurice fitz Thomas received similar treatment from the new regime but only after temporary settlements were reached in his dispute with Margaret Badlesmere and with the le Poers and Burghs.

The settlement of his dispute with Badlesmere and the end to his feud with the le Poers have been discussed above,¹⁷³ leaving only his dispute with the Burghs. At a parliament in Dublin at the end of March 1329, Maurice fitz Thomas and the earl of Ulster were able to come to terms probably because the earl of Ulster had been involved in the Geraldine/le Poer feud as an ally of the le Poers. With the Geraldine/le Poer feud ended, the impetus for the renewed conflict between Maurice fitz Thomas and William de Burgh was theoretically gone. In celebration of this agreement, three feasts were held on three consecutive days: the first in Dublin castle by the earl of Ulster, the second in

¹⁷¹ See Nicholls, 'The development of lordship in county Cork', pp. 157-211; McCotter, 'Sub-infeudation...(part i)', pp. 64-80; 'Sub-infeudation...(part ii)', pp. 88-106.

¹⁷² Frame, *English Lordship*, pp. 185-6.

¹⁷³ See above, pp. 42-4, 50.

St. Patrick's by Maurice fitz Thomas, and the third at Kilmainham by Roger Outlaw, the justiciar.¹⁷⁴

There is no record of the details of the arrangements made at the Dublin parliament but they were not complete and further arbitration was necessary. At first these talks were overseen by royal judges but during the second week of July the justiciar, John Darcy, who had only just arrived from England probably with instructions for dealing with Maurice fitz Thomas, personally mediated further discussions at Kilkenny.¹⁷⁵ Maurice fitz Thomas either sped to England following these talks or was represented by an attorney as he was at Windsor just thirteen days later, on 27 July, where the conflict over the Clare inheritance was temporarily put to rest.¹⁷⁶

With Maurice fitz Thomas's private wars seemingly brought to an end and his position as overlord in the Badlesmere portion of the Clare inheritance established, the Mortimer regime further bolstered his position: on 27 August 1329, Maurice fitz Thomas was created earl of Desmond 'for good service rendered'. Along with this title he received Co. Kerry as a liberty reserving only the four royal pleas (arson, rape, forestall and treasure trove),¹⁷⁷ and the profits of the cross lands of Kerry, all in tail-male;¹⁷⁸ he was granted the advowson of the church of Dungarvan; and pardoned for life the 200 marks yearly rent of Dungarvan as well as all arrears on that rent.¹⁷⁹ In the months that followed Desmond received further grants from the crown. On 14 October he was pardoned all offences committed from the king's coronation to 10 October;¹⁸⁰ on 1 November he was granted the shrievalties of Co. Cork and Co. Waterford for the same yearly payment as was paid by the previous sheriffs;¹⁸¹ and on 17 January 1330, for a fine of forty marks, he obtained a grant extending his authority to encompass trespasses

¹⁷⁴ *St. Mary's Abbey*, ii, p. 369; *Grace*, pp. 111-13; *AFM*, iii, 1329.

¹⁷⁵ Frame, *English Lordship*, p. 188; *43rd Rep. DKI*, pp. 28; 65; *IEP*, p. 334; *NAI RC 8/15*, p. 419; *NAI RC 8/16*, pp. 344-5, 379-80.

¹⁷⁶ Frame, *English Lordship*, pp. 187-8; *CCR, 1327-30*, pp. 563-4.

¹⁷⁷ For discussion of these pleas, see J.G. Bellamy, *The Criminal Trial in Later Medieval England* (Stroud, 1998) pp. 162-82, 187-93; G.J. Hand, *English Law in Ireland, 1290-1324* (Cambridge, 1967) pp. 61, 113, 236; M. Dolley, 'The first treasure trove inquest in Ireland', *NILQ*, 19 (1968) pp. 182-8.

¹⁷⁸ *CChR, 1327-41*, p. 123.

¹⁷⁹ *Clyn*, p. 21; *CPR, 1327-30* p. 436; *CChR, 1327-41*, p. 123; *NLI 1A/49/133*, p. 235.

¹⁸⁰ *CPR, 1327-30*, p. 457.

¹⁸¹ *CFR, 1327-37*, p. 153; *NLI 1A/49/133*, p. 243.

and felonies committed prior to the creation of his liberty which had not yet been tried.¹⁸²

These grants cemented Maurice fitz Thomas's position as the dominant magnate in the southwest and pardoned the measures he had been using to gain that dominance, a lesson which many would regret just a few years later and in the 1340s. The grant of the liberty of Kerry gave him near-regal power within the county except in those lands held in chief by institutions of the church (the crosslands).¹⁸³ His court became the chief court of the county and all secular landholdings in the county were now held of him rather than the king. Mortimer had also made him the chief royal servant in two more counties with the grant of the shrievalties of Co. Cork and Co. Waterford reinforcing his already strong hold on Waterford and giving him a considerable new influence in Cork. As sheriff, he or his deputy would also now preside over the county courts of Cork and Waterford. The acceptance of his claims that Youghal and Inchiquin were held of him also gave him a significant and secure powerbase in Cork. Clearly it was Mortimer's intention that in southwest Ireland, the crown would rule through the earl of Desmond.

Initially, these efforts by the crown to transform Maurice fitz Thomas into a loyal servant seemed to be working.¹⁸⁴ Early in January of the following year the justiciar and council requested aid from Maurice against several of the lineages of the Irish of Leinster: the Uí Nuallán (the O'Nolans), the Uí Mhórdha (the O'Mores), and probably the Uí Dhímusaig (the O'Dempsys). Maurice complied and arrived early in 1330 with a large force, including Brian Bán Ó Briain and his men. Maurice seems to have quickly and easily defeated the Uí Nuallán and received hostages from them and the Uí Mhórdha. The Uí Dhímusaig also surrendered the Castle of Lea to the earl during

¹⁸² NAI RC 8/15, p. 523. Betham mistakenly recorded this as referring to trespasses and felonies committed *after* the creation of the liberty (NLI GO MS 191, p. 19; NAI M 2648, p. 20).

¹⁸³ Unfortunately the limited source material concerning landholding in Kerry in the fourteenth century makes it nearly impossible to establish the exact extent of lands which remained outside the liberty's jurisdiction.

¹⁸⁴ It would not be difficult to draw comparisons between Mortimer's elevation of several Anglo-Irish lords to ensure support in Ireland to Edward III's actions in England during the following decades, though Edward's choices had been selected more carefully (J.S. Bothwell, 'Edward III and the 'New Nobility'', *EHR*, 112 (1997) pp. 1111-40).

this campaign.¹⁸⁵ Desmond received £120 for this month-long expedition.¹⁸⁶ But problems arose closer to home.

The underlying difficulties of the Clare inheritance dispute had not been settled and considerable hostility still simmered between the adherents of the earls of Ulster and Desmond and both issues resurfaced in 1330. As was discussed above, the agreement made at Windsor concerning the Badlesmere portion of the Clare inheritance seems to have run into difficulty almost immediately. Equally, hostility seems to have broken out between the earls of Desmond and Ulster almost immediately as well, but the re-emergence of the Burgh/fitz Thomas conflict seems to have been centred around actions taken not by the earl of Ulster or Maurice fitz Thomas, but by their adherents: Walter son of William Burgh on the one side and Brian Bán on the other.

In two inquisitions taken in Limerick, it was claimed that in April 1330 Desmond ordered his men to let it be known that the sheriff of Limerick, James Beaufo, and other royal servants should be ignored. At the end of that month Brian Bán Ó Briain, Henry fitz David, John fitz David, Gerald Roche and their men slew the sheriff of Limerick and 200 others. The following day Ó Briain was said to have met with Desmond.¹⁸⁷ In one version, James Beaufo was killed because no one would aid him because of the earl's orders but in the other he was killed with 200 men which suggests a larger battle. One version even claims Desmond ordered the sheriff's murder - an unlikely extreme.

Brian Bán had continued raiding against the Burghs after Maurice fitz Thomas left for England in 1329.¹⁸⁸ Since Brian Bán had been raiding late in 1329 and was raiding in Tipperary later in 1330, it seems likely that James Beaufo was reacting to the threat Brian Bán posed to the region. Desmond, on the other hand, was attempting to bring Brian Bán to peace because of his importance as a military ally both within Uí Bhriain power struggles and beyond Thomond. As we saw, Maurice had taken Brian Bán into Leinster early in 1330 in an attempt to put Clann Bhriain Ruaidh's

¹⁸⁵ *St. Mary's Abbey*, ii, p. 372; *Grace*, p. 117.

¹⁸⁶ *IEP*, p. 335.

¹⁸⁷ *Leg. Proc.*, pp. 9, 14.

rambunctious nature to the colony's use and he repeatedly treated with Brian Bán following his rebellious outbursts. Desmond probably had taken some action with the intention of preventing the sheriff from attacking the Uí Bhriain. Following this battle Desmond met with Brian Bán but failed to persuade him to cease raiding. In late May, he raided the lands of Raymond Archdeacon in Cullen, Donohill, and Boyntonston Co. Tipperary.¹⁸⁹ In early July he was once more in the same region raiding Athassell, Tipperary, and Ardmayle.¹⁹⁰

In early July, a parliament convened in Kilkenny and a prominent group of Anglo-Irish magnates, including the earls of Ulster and Ormond, Roger Outlaw the justiciar, and William Bermingham, set out to engage Brian Bán; Maurice was not with them.¹⁹¹ This expedition seems to have failed to achieve much due to weather.¹⁹² It was probably following this parliament that Maurice and several of his leading retainers were charged with receiving Brian Bán following his raids and his attack on James Beaufo. It is hardly a surprising charge. The most obvious point of suspicion was that Brian Bán was, for the most part, raiding Burgh lands in Tipperary.¹⁹³ Maurice had also twice intervened on his behalf: first when he interfered in James Beaufo's dealings with Brian Bán and second when he allegedly intervened and ordered the return of Brian Bán's goods, which had been seized by James Beaufo's successor as sheriff, Thomas Lees¹⁹⁴ (a man with links to Desmond¹⁹⁵). And Desmond even admitted to meeting with Brian Bán on several occasions.

¹⁸⁸ *Clyn*, p. 21; Frame, *English Lordship*, p. 193.

¹⁸⁹ Given as Boydmeston' (Leg. Proc., p. 15), this should read Boydineston [i.e. Boyntonston, par. of Templenoe, Co. Tipperary (COD, i, p. 160, no. 410).

¹⁹⁰ He attacked 'Moyaluy' as well – this may be Moyaliff (Leg. Proc., pp. 11-12).

¹⁹¹ *43rd Rep. DKI*, p. 50.

¹⁹² *43rd Rep. DKI*, pp. 43-4; *St. Mary's Abbey*, ii, p. 373; *Clyn*, p. 21; *Orpen, Normans*, iv, p. 232; Frame, *English Lordship*, p. 194.

¹⁹³ There are signs that hostilities between Desmond and Ulster were brewing again at this time. In June, another letter was sent to Desmond forbidding him from assembling troops and threatening punishment if he invaded the earl's lands (*CCR*, 1330-33, p. 143; Rymer, *Foedera*, II, ii, p. 793).

¹⁹⁴ Leg. Proc., p. 10. This event is not dated exactly but probably occurred at about this time in response to Brian Bán's actions.

¹⁹⁵ Leg. Proc., p. 7.

Maurice fitz Thomas insisted that these actions had been carried out in an officially sanctioned effort to restore peace.¹⁹⁶ It is also clear that not all Brian Bán's raids at this time were prompted by Desmond. Desmond would not have been sorry to see the Burghs bear the brunt of the raiding and might have been encouraging Brian Bán,¹⁹⁷ but Maurice would not have been pleased to see Brian Bán raiding the lands of the earl of Ormond as well.¹⁹⁸ Though perhaps their friendship was not as close as it had been in the 1320s, there was still no apparent animosity between Desmond and Ormond.

Roger Outlaw found it impossible to assemble a jury and so imprisoned the earl and two of his retainers, Robert Caunton and Thomas fitz Gilbert.¹⁹⁹ The timing was convenient: Maurice could absent himself from the campaign against Brian Bán without added accusation. For some unspecified reason, the earl of Ulster was said to be in custody at the same time,²⁰⁰ but he was also paid for being in the service of the deputy justiciar from the end of the campaign (30 July) until 2 September.²⁰¹

Following the conclusion of the campaign, Walter Burgh, perhaps with knowledge of Desmond's position, took the opportunity to lead his men on a raid against Desmond's lands.²⁰² This attack was probably what prompted Desmond to escape from prison rather than waiting for the inquisition into his conduct which was to take place at the end of August.²⁰³ Maurice fitz Thomas and his retainers were later charged with substantial fines for this: Maurice was fined £1000, Robert Caunton was fined £100 and Thomas fitz Gilbert was fined £80.²⁰⁴ The immediate result was that Mortimer ordered the records of the dispute to be brought to England and summoned

¹⁹⁶ ULC Add. MS 3104, p. 61b; Sayles, 'The rebellious first earl', p. 211; Frame, *English Lordship*, p. 194.

¹⁹⁷ CCR, 1330-33, p. 143; Rymer, *Foedera*, II, ii, p. 793.

¹⁹⁸ Nic Ghiollamhaith, 'Kings and vassals', p. 211; C.A. Empey, 'The Butler lordship in Ireland, 1185-1515', Ph.D. thesis (TCD, 1970) p. 166. Brian Bán's efforts at this time were aimed at carving a territory for himself from northern Tipperary (see Chap. 4, pp. 228-8).

¹⁹⁹ ULC Add. MS 3104, p. 61b; Sayles, 'The rebellious first earl', p. 211, Frame, *English Lordship*, p. 194.

²⁰⁰ *St. Mary's Abbey*, ii, p. 374.

²⁰¹ *43rd Rep. DKL*, pp. 43-4.

²⁰² *St. Mary's Abbey*, ii, p. 374; Frame, *English Lordship*, p. 194; Orpen, *Normans*, iv, p. 232.

²⁰³ Sayles, 'The rebellious first earl', p. 211; Frame, *English Lordship*, p. 194.

²⁰⁴ ULC Add. MS 3104, p. 61b; Frame, *English Lordship*, p. 194; P.M. Connolly, 'Select documents xlv: an attempted escape from Dublin castle', *IHS*, 29 (1994) p. 103.

Desmond to appear before him.²⁰⁵ Maurice remained in Ireland 'and so missed the hanging at Tyburn of the patron who had enriched him'.²⁰⁶ Mortimer was arrested in October and executed in November.²⁰⁷ Early the next year, Edward III appointed new ministers to the royal government in Ireland, including Anthony Lucy, and dispatched a series of ordinances intended to deal with some of the key problems facing the lordship as well as orders to resume all Mortimer grants.²⁰⁸ So began the personal rule of Edward III.

Forfeiture and Restoration

The justiciar, Roger Outlaw, called another parliament at Dublin for 21 January 1331.²⁰⁹ Maurice fitz Thomas and several of his retainers failed to attend this parliament.²¹⁰ Another parliament called in July was probably intended to coincide with the arrival of the new justiciar, Anthony Lucy, but when several magnates, including Desmond and his allies, once again failed to attend, the session was postponed until 1 August and relocated to Kilkenny.²¹¹

At this point, Desmond had several reasons for concern. His adversary the earl of Ulster had been named King's Lieutenant in Ireland. He also stood to lose everything he had received the previous year with the arrest and execution of Roger Mortimer. All grants made by the Mortimer regime were to be revoked; that would include Maurice's earldom, liberty, shrievalties and all that had come with them. He also lacked the royal connections which other Anglo-Irish magnates were able to take advantage of to minimise their losses.²¹² Both Ormond and Ulster had lands in England and connections at court. Ormond was married to the king's cousin and Ulster was married to Maud of Lancaster and his mother was a sister (and co-heiress) of Gilbert Clare, earl of Gloucester (d.1314). Ormond did face losses from the revocation but received some

²⁰⁵ CCR, 1330-33, p. 157.

²⁰⁶ Frame, *English Lordship*, p. 195.

²⁰⁷ M.C. Prestwich, *The Three Edwards* (London, 1981) p. 113; M. McKisack, *The Fourteenth Century, 1307-1399* (Oxford, 1991) pp. 101-2.

²⁰⁸ Frame, *English Lordship*, p. 196.

²⁰⁹ Frame, *English Lordship*, p. 208.

²¹⁰ 43th Rep. D.K.I., pp. 50-1; NAI RC 8/16, p. 231; Frame, *English Lordship*, p. 207.

²¹¹ *St. Mary's Abbey*, ii, p. 375; Frame, *English Lordship*, pp. 209-10.

²¹² Frame, *English Lordship*, pp. 205-7.

signs of future royal favour which no doubt reassured him of the likelihood of full restoration.²¹³ Ulster was even more secure in royal favour as shown by his appointment as King's Lieutenant in Ireland. Desmond was in a very different situation. He had no lands in England and his only connections in England or with the court were the Berkeleys who, as close adherents of Mortimer, had their own problems to look after. Nor had he acted to improve his position. His failure to attend the January and July parliaments 'may well have appeared a rejection of the authority of the king'.²¹⁴ Nor was his insubordination limited to failure to attend parliaments: he also seized Bunratty again and he was said to have terrorized the town of Limerick.²¹⁵ It was even claimed that he intended to seize the justiciar and his company.²¹⁶ What, then, did he hope to gain by this? Frame has suggested that he was seeking the same results such behaviour had earned him in the 1320s. It was just this sort of bristling and borderline rebelliousness which had resulted in the Mortimer regime giving in to his claims, in effect buying him off.²¹⁷ But, unlike Mortimer, Edward III did not need to court acceptance from his subjects in Ireland but rather to show he was firmly on his throne and would brook no disobedience or defiance. His appointment of Anthony Lucy makes this evident. Lucy's career on the Anglo-Scottish border had given him experience in marcher warfare and shown his unyielding character.²¹⁸

Desmond failed to appear at the Kilkenny parliament in August but Lucy came prepared for this; he had arrived with a significant force - more than 100 men at arms and 100 hobelars. However, this show of force was intended as a last resort. Lucy first sent an agent into Tipperary to treat with the earl when he failed to attend parliament. This diplomacy backed by the threat of force brought Desmond in. The fact that the justiciar's troops were paid until the day Maurice and his allies submitted, i.e. 4 August,

²¹³ Frame, *English Lordship*, pp. 50, 143, 206-7.

²¹⁴ Frame, *English Lordship*, p. 208.

²¹⁵ Leg. Proc., pp. 9, 10, 15.

²¹⁶ Leg. Proc., p. 15. This was not as uncommon as one might think: 6 December 1264, the Geraldines of Offaly captured Richard de la Rochelle, justiciar (Otway-Ruthven, *Med. Ire.*, p. 196); Aug. 1357, the earl of Ormond arrested John Bolton, justiciar (Frame, *English Lordship*, p. 298); autumn 1368, the Berminghams captured the chancellor (Otway-Ruthven, *Med. Ire.*, p. 296, n. 43).

²¹⁷ Frame, *English Lordship*, p. 208.

²¹⁸ Frame, *English Lordship*, pp. 202-5; C.J. Neville, 'Keeping the peace on the northern marches in the later middle ages', *EHR*, 109 (1994) p. 5.

leaves little doubt as to the reason this force was brought to Kilkenny.²¹⁹ Lucy initially showed considerable leniency. He granted Maurice fitz Thomas and his adherents and allies extensive pardons.²²⁰

Within the next eleven days, Lucy had decided that sterner measures were required to restore order. During the next seven months most of those still involved in the dispute were arrested. Maurice fitz Thomas was the first to be arrested on 16 August and on 7 October he was taken to Dublin castle.²²¹ His arrest led to the forfeiture of his lands and the dismissal of his claims to Inchiquin. His lands were then granted out to various local gentry - most hostile to the earl - including John Stapleton, Adam le Poer, Robert and William Barry,²²² Maurice fitz Nicholas lord of Kerry,²²³ and even Domhnall son of Domhnall Mac Carthaigh Cairbre (Carbery).²²⁴ If a 1332 inquisition is to be believed, by 15 August 1331, Maurice may have been aware that there was more trouble on the horizon. According to the inquisition, on that day he had intercepted Brian Bán Ó Briain to prevent him from submitting to the justiciar. Desmond was said to have told him that he would gain more from continued warfare.²²⁵ Several further arrests followed: in September Henry Mandeville was arrested and sent to Dublin castle,²²⁶ in November Walter Burgh and two of his brothers were captured by the earl of Ulster.²²⁷ Mandeville's arrest was due to his own dispute with the earl of Ulster and was unrelated to the Desmond/Ulster feud.²²⁸ It does, however, give us a possible insight into what took place between 4 and 16 August which led Lucy to arrest the earl

²¹⁹ *St. Mary's Abbey*, ii, p. 375; *Grace*, p. 123; *Clyn*, p. 23; Sayles 'The rebellious first earl', p. 212, n. 51; Frame, *English Lordship*, p. 210.

²²⁰ *St. Mary's Abbey*, ii, p. 375; *Clyn*, p. 23; *Grace*, p. 123.

²²¹ *St. Mary's Abbey*, ii, p. 376; *Grace*, p. 123.

²²² NAI RC 8/16, pp. 9-11, 235, 237, 240-1, 244, 274, 467.

²²³ Maurice fitz Nicholas was granted custody of Desmond's lands, castles, goods and chattles in Cork, Kerry and Limerick as well as the liberty of Kerry and the chief serjeancy of Cork and Kerry (NAI RC 8/16, pp. 240, 243-4, 274-5, 284, 336, 348, 469; RC 8/17, pp. 383, 389, 392, 465).

²²⁴ Domhnall Cam, who had long been trying to reconquer Dunnamark, was actually granted custody of the manor. Not surprisingly, he failed to account for the custody (NAI RC 8/16, pp. 240, 273, 274, 285, 469, 496); though, to be fair, the exchequer had similar problems with Anglo-Irish custodians as well.

²²⁵ *Leg. Proc.*, p. 14.

²²⁶ *St. Mary's Abbey*, ii, p. 376; *Grace*, p. 123.

²²⁷ *St. Mary's Abbey*, ii, p. 376; *Grace*, p. 123.

²²⁸ Frame, *English Lordship*, pp. 217-8. Curiously, a later document (*CCR*, 1333-37, p. 209) suggests that he should be released because Desmond has been. Henry Mandeville was not implicated in any of the inquisitions into the earl of Desmond's behaviour until 5 months later when he was said to be part of a (wholly implausible) plot to make Maurice fitz Thomas king of Ireland.

of Desmond. Henry Mandeville was arrested on the earl of Ulster's orders. Walter Burgh, too, had fallen out of favour with the young earl, leading to his arrest. The earl may have similarly used his position and influence against his other enemy - the earl of Desmond.

Over the next seven months, Lucy empanelled six juries in five towns to compile indictments against Desmond.²²⁹ Not surprisingly, all six juries contained individuals, or the family members of individuals, who claimed to have been mistreated by Desmond or his men.²³⁰ Most of the accusations made against Maurice fitz Thomas ranged from fairly common forms of magnate abuse to theft and unlawful execution. However, the inquisitions against Desmond also make more outlandish accusations: that Maurice intended to make himself king of Ireland. These charges were not without parallel: Richard de Burgh, earl of Ulster was accused not of trying to make himself king of Ireland, but of trying to aid Edward Bruce's attempt to seize Ireland (equally unfounded charges but charges which have led to suspicions about the Turnberry Band and the collapse of Ulster with the arrival of Edward Bruce in 1315).²³¹

The accusations against Maurice fitz Thomas first surfaced in Limerick on 20 August 1331; he was accused of plotting to make himself king of Ireland five years before (1326) but no details were given.²³² Then in February 1332 at Clonmel he was accused of meeting in Kilkenny on 7 July 1327 with Thomas fitz John earl of Kildare, John de Bermingham earl of Louth, James Butler future earl of Ormond, Richard Ledred bishop of Ossory, Thomas Butler, William de Bermingham, Thomas fitz Gilbert, Robert son of Mathew de Caunton, Brian O'Brien and Maurice fitz Philip. It was said this group was conspiring to make Maurice fitz Thomas king of Ireland.²³³ Then in Limerick on 23 March 1332, a jury accused Maurice of conspiring with William Bermingham, Walter de Burgh, Brian O'Brien and MacNamara to make himself king of

²²⁹ Inquisitions were held in Cork, Waterford, Tipperary, Youghal and two in Limerick.

²³⁰ Mogdan, 'Examining the Evidence', pp. 18-24.

²³¹ C. McNamee, *The Wars of the Bruces: Scotland, England and Ireland 1306-1328* (East Lothian, 1997) p. 182; R.M. Haines, *King Edward II* (London, 2003) p. 295; Wormald, *Lords and Men in Scotland: Bonds of Manrent, 1442-1603* (Edinburgh, 1985) p. 35; Barrow, *Robert Bruce* (London, 1965) pp. 25-6, 36-7; Prestwich, *Edward I* (London, 1988) pp. 359-60; and thanks to Dr. Hartland for allowing me to see an early draft of her forthcoming article.

²³² Leg. Proc. p. 8; Frame, *English Lordship*, p. 211.

Ireland but gave no details of when this plot was hatched.²³⁴ These accusations list some individuals who served Maurice fitz Thomas or were allied with him: the Berminghams, the Butlers, the Geraldines, Robert Caunton and Brian O'Brien.²³⁵ However, some of these men were senior to Maurice fitz Thomas both in rank and age: the earls of Kildare and Louth. The earl of Kildare had also been appointed justiciar four months before the Kilkenny meeting. Another, Walter de Burgh, was fighting *against* Desmond in a long running feud in Munster. Why these men would consider such an arrangement is far from clear.²³⁶

However, other interpretations are possible. The 1327 meeting has sparked the imagination of historians since the publication of these inquisitions. The meeting took place while the deposed Edward II was still alive and while plots were being hatched to free him.²³⁷ Was this meeting to discuss rumours that a free Edward II might flee to Ireland to raise an army? There is another possible, and more mundane, explanation. As late as 16 July 1327, Maurice fitz Thomas, John Bermingham and James Butler were rebuked by the crown for not accepting the new justiciar.²³⁸ However, if that justiciar, the earl of Kildare, had convinced these men to meet with him just nine days earlier, no word of it would yet have reached England. The Kilkenny meeting might have been to confirm the new king's administration rather than a plot against his authority.

The second list of co-conspirators (from the March 1332 inquisition) suggests hostility towards men who had been waging a private war in Munster for years rather than a misrepresentation of other events. Anthony Lucy, the justiciar in 1332, his curiosity heightened by earlier accusations may now have been digging for a more plausible plot than one including a number of senior Anglo-Irish magnates. Local gentry gave him a story which might rid them of the men who had been causing them so much

²³³ Leg. Proc. pp. 6-7; Frame, *English Lordship*, p. 212.

²³⁴ Leg. Proc. pp. 12-13; Frame, *English Lordship*, p. 213.

²³⁵ Chap. 4, p. 227, Chap. 5, pp. 257-8, 269.

²³⁶ Frame, *English Lordship*, pp. 180-1, 211-13; Mogdan, 'Examining the Evidence', pp. 9-13. See above, pp. 47-50, 55-8.

²³⁷ M. McKisack, *The Fourteenth Century*, p. 94.

²³⁸ CCR, 1327-30, p. 206; Frame, *English Lordship*, p. 179.

difficulty and, more importantly, a story he could swallow: the men you have in custody tried to make Maurice fitz Thomas king.

In 1331-2, as the inquisitions began to accuse more individuals, other prominent lords and men were arrested. Following a September inquisition in Cork the justiciar killed and captured several Cauntons at Balligaveran [Gowran?], no doubt with the intention of capturing Robert Cauntton following the accusations made against him in Cork.²³⁹ Then after the February 1332 Clonmel inquisition which accused Desmond of plotting to make himself king of Ireland in 1327,²⁴⁰ William Bermingham and his son Walter, Gilbert Birmingham and John St. Aubyn lord of Compsey were arrested,²⁴¹ but no action was taken against the earl of Ormond who was also implicated.²⁴² Clearly even Anthony Lucy was not prepared to believe more of this tale than was politically convenient. Furthermore, the fact that Maurice fitz Thomas and some of his allies were being held for 'certain treasons' does not signify 'official' belief at the time in the story that Desmond intended to make himself king of Ireland. Treason in the middle ages was not defined in the same way as it is today.²⁴³ The actions of nobles which went beyond the usual matters of the king's justice - private wars, seizure of crown lands, attacks on cardinals, the ransom of bishops, and other 'serious outrages' - could more easily be dealt with if they were treated as treason.²⁴⁴ Though clearly these crimes would not meet the criteria of waging 'open war against [the] king',²⁴⁵ medieval treason necessarily included the waging of open war against the king's peace because magnates could too easily subvert the workings of the normal court system through their personal power and influence.²⁴⁶

²³⁹ *Clyn*, p. 23.

²⁴⁰ *Leg. Proc.*, pp. 6-7.

²⁴¹ *Clyn*, p. 23; *St. Mary's Abbey*, ii, p. 376; *Grace*, p. 123; Sayles, 'The rebellious first earl', p. 214.

²⁴² *Leg. Proc.*, pp. 6-7.

²⁴³ J.G. Bellamy, *The Law of Treason in England in the later Middle Ages* (Cambridge, 1970) pp. 1, 62-3; M. Jones, "'Bons Breton et bons Francoys": The language and meaning of treason in later medieval France', *TRHS* (5th series) 32 (1982) pp. 97-9; J.G. Bellamy, *The Tudor law of Treason, an Introduction* (London, 1979) pp. 9-12.

²⁴⁴ A. Harding, 'The origins of the crime of conspiracy', *TRHS* (5th series) 33 (1983) p. 100; B.A. Hanawalt, 'Fur-collar crime: the pattern of Crime among the fourteenth-century English nobility', 'Of Good and Ill Repute', *Gender and Social Control in Medieval England* (Oxford, 1988) p. 61; Bellamy, *The Law of Treason*, p. 66.

²⁴⁵ J.G. Bellamy, *Crime and Public Order in England in the Later Middle Ages* (London, 1973) p. 49.

²⁴⁶ Hanawalt, 'Fur-collar crime', pp. 55-6.

Only one trial seems to have resulted from these arrests: the trial of William and Walter Bermingham. This trial and the much lamented execution of William in July 1332 was not actually the result of any of the charges made against the Berminghams and others by the inquisitions mentioned above as has sometimes been suggested,²⁴⁷ but rather because Walter and William plotted an escape from Dublin Castle and were caught. They were tried and found guilty of attempting to escape and sentenced to death. Walter only escaped hanging by claiming benefit of clergy and remained imprisoned until 1334,²⁴⁸ but in 1337 he was able to regain his father's lands.²⁴⁹

The Irish of Munster, whether in support of the earl or merely for their own gain, took action following these arrests. A campaign had to be organised against Brian Bán Ó Briain and the Mic Charthaigh and they were defeated by the justiciar later in 1332.²⁵⁰ Desmond's Irish adversaries, the Uí Bhriain of Thomond (clann Taidgh), on the other hand went unchecked. In July 1332 the Uí Bhriain and the Mic Conmara (Mac Namaras) captured and destroyed Bunratty castle and Mac Conmara was said to have continued to move freely following the justiciar's departure from Munster.²⁵¹ In September, another campaign against the Irish of Thomond was necessary.²⁵²

This period also saw the death of Maurice fitz Thomas's first wife, Katherine Burgh, on 1 November 1331.²⁵³ The marriage had resulted in no male heirs but the two may have had several daughters.²⁵⁴

Maurice fitz Thomas remained imprisoned in Dublin castle from 7 October 1331 until 17 May 1333. In light of the Berminghams' escape attempt, it is unsurprising that the justiciars showed a good deal of interest in ensuring that Maurice fitz Thomas would make no such effort. When John Darcy again took office as justiciar on 13 February

²⁴⁷ *St. Mary's Abbey*, ii, p. 377; *Clyn*, p. 24; *Grace*, p. 125; Otway-Ruthven, *Med. Ire.*, p. 250; Sayles, 'The rebellious first earl', p. 214.

²⁴⁸ Frame, *English Lordship*, p. 221.

²⁴⁹ ULC Add. MS 3104, p. 35; Frame, *English Lordship*, pp. 35, 215-6, 220-2; Connolly, 'Select documents', pp. 100-8.

²⁵⁰ *St. Mary's Abbey*, ii, p. 377; *Grace*, p. 125.

²⁵¹ *St. Mary's Abbey*, ii, p. 377; *Grace*, p. 125; Sayles, 'The rebellious first earl' p. 214; *Leg. Proc.*, p. 13.

²⁵² Otway-Ruthven, *Med. Ire.*, p. 250.

²⁵³ *Clyn*, p. 24.

²⁵⁴ In the early 1340s Maurice fitz Thomas was making marriage arrangements for two daughters, Amy (or Aine) and Joan (*Papal Registers: Petitions*, i, pp. 15, 79; *Papal Registers: Letters*, iii, pp. 87, 165; *The*

1333, one of his first actions was to summon the men who stood as mainpernors that Maurice would not depart from the castle of Dublin except with the permission of the king or the justiciar.²⁵⁵ Confirmation that this meeting occurred was enrolled shortly thereafter.²⁵⁶

Maurice fitz Thomas's release followed a ceremony in Christ Church on 17 May 1333 during which Maurice swore loyalty to the king and his ministers. His mainpernors included two earls - William Burgh, earl of Ulster and James Butler, earl of Ormond; seventeen knights - Richard Tuit, Nicholas Verdon, Maurice Rocheford, Gerald Rocheford, Eustace le Poer, John son of Robert le Poer, Roger le Poer, Robert Barry, Maurice fitz Gerald, Richard de la Rochelle, Henry Traharn, John Wellesley, Richard le Waleys, Walter l'Enfaunt, John l'Enfaunt, Matthew fitz Henry, and Edmund Burgh (son of the earl of Ulster); as well as David Barry, William fitz Gerald, Fulk de la Freigne, Robert fitz Maurice, Henry Berkeley, John fitz George Roche, Thomas Lees, and seemingly an unnamed Burgh.²⁵⁷ This list includes allies and enemies alike as well as representatives of most of the Anglo-Irish magnate families. Perhaps most surprising is William Burgh's appearance on the list. Unfortunately, there is no way to be certain if this represented a reconciliation between the long-feuding earls because William Burgh died on June 6. Apparently he was killed by his own men because of his treatment of Henry Mandeville and other members of the Burgh lineage, in particular Walter Burgh who died in the earl's custody.²⁵⁸

Desmond was also called on to give four hostages for his good behaviour and as security for his release. As he had no sons at this point, the hostages were drawn from his extended family. One was his nephew, Thomas fitz John. Another was Maurice son of Thomas fitz Gilbert,²⁵⁹ the head of one of the prominent cadet branches of the

Pipe Roll of Cloyne, p. 183). These daughter must either have been from Maurice's marriage to Katherine or very young at the time of these marriage arrangements.

²⁵⁵ NAI RC 8/17, p. 340.

²⁵⁶ NAI RC 8/17, pp. 364-5.

²⁵⁷ In each instance, the list ends with 'Thomas de Lees de Burgh'. Presumably the given name of another Burgh has been omitted (NAI RC 8/17, p. 389-99; *Parliaments and Councils*, i, pp. 12-17, no. 12 A, B; *St. Mary's Abbey*, ii, p. 387; NLI GO MS 191, p. 289; NAI M 2649, pp. 77-9 *Grace*, p. 127; Frame, *English Lordship*, pp. 219-20; Otway-Ruthven, *Med. Ire.*, p. 251).

²⁵⁸ *St. Mary's Abbey*, ii, pp. 378-9; *Grace*, p. 127; Frame, *English Lordship*, pp. 222-3.

²⁵⁹ *The Pipe Roll of Cloyne*, pp. 187-8.

Geraldines of Desmond (ancestors of the White Knights).²⁶⁰ Darcy also required Desmond to present mainpernors for his attendance at the next parliament: John son of Robert le Poer, Thomas Wogan, William Wellesley, Simon Sutton, Walter Rocheford, Henry Nasshe, Hugo de la Hyde, John Almer, Thomas Balymor, Walter fitz Maurice, Richard Little, and Philip fitz Gerald.²⁶¹ It was then made known that the peace had been restored between the king and Desmond.²⁶²

Immediately following his release from Dublin Castle, Maurice fitz Thomas regained his landholdings but not the privileges and offices he had held. In March 1334, Edward III once again waived the 200 mark rent of Dungarvan which Maurice and his ancestors had owed until Mortimer released him from it in 1329.²⁶³ The exchequer was not willing to accept this and gathered what evidence they could from the rolls to show that Desmond should be made to pay this rent.²⁶⁴ The point they were trying to make would seem to be that this rent had been paid until Mortimer released Desmond from it. As all Mortimer grants had been revoked, Desmond should be made to pay the rent. The exchequer only complied with the grant after the king confirmed it in November.²⁶⁵ Initially this grant had been for life but it was restored at the king's pleasure. By November 1334, Desmond had also regained his liberty of Kerry still in tail-male. In July, the king had ordered the restoration of this liberty but, once again, it seems a confirmation of this grant was necessary before Desmond was actually restored.²⁶⁶ The following spring, Maurice paid £10 for the return of the chief serjeancies of Cork and Waterford.²⁶⁷

The two additional grants Mortimer made to Maurice fitz Thomas were never regranted. The first was the advowson of the church of Dungarvan. In January 1334, the advowson was granted to John, archbishop of Cashel (Eóin O' Gráda, 1332-1345).²⁶⁸

²⁶⁰ Frame, *English Lordship*, p. 220. See genealogical table, pp. 254.

²⁶¹ NAI RC 8/17, p. 399; Frame, *English Lordship*, p. 219, n. 93.

²⁶² *47th Rep. DKL*, p. 38.

²⁶³ *CPR, 1330-4*, p. 523; NAI RC 8/17, pp. 525-35.

²⁶⁴ NAI RC 8/17, pp. 327-41.

²⁶⁵ *CPR, 1334-8*, p. 338. The obliterated writ mentioned in Tresham (*RCH*, p. 39, no. 90) may have been another copy of this writ.

²⁶⁶ *CPR, 1330-4*, p. 564; NAI RC 8/18, p. 282; *CPR, 1334-6*, p. 337.

²⁶⁷ NAI RC 8/17, p. 643.

²⁶⁸ *CPR, 1330-4*, p. 492; *Doc. Aff.*, pp. 157-8, no. 177.

The second unreturned grant was by far the more significant of the two: the shrievalties of Cork and Waterford were never returned. In 1334, Maurice appointed Richard Beaumont and John Tybaud to act in his place as sheriffs of Waterford and Cork, respectively.²⁶⁹ This has been taken as an indication that Desmond retained these shrievalties,²⁷⁰ but it is clear that he did not. There is no indication in the memoranda rolls or pipe rolls that his two appointments ever accounted as sheriff under his name or their own and Maurice fitz Thomas was himself referred to as the *former* sheriff.²⁷¹ There are two possible explanations for Desmond's appointment of Benmond and Tybaud to act for him. First, he may have tried to exert his former office only to find that his sheriffs were not accepted. If this was the case, it is highly unlikely that their appointment would ever have been enrolled. Second, Benmond and Tybaud may have been appointed not to act as sheriff in his place, but rather to account at the exchequer for his time as sheriff. Due to his arrest, Maurice fitz Thomas had not accounted at the exchequer for his period of office. This theory draws some support from the fact that Maurice had presented a partial account for his time as sheriff around the time of these appointments.²⁷²

The loss of the shrievalty of Waterford would not have been a great blow to his authority there. His substantial lordship and the lack of an active, competing magnate in the region would still have left him with the advantage, though the earl of Ormond was already beginning to take an interest in the region. But this was not so in Cork. His claims to Inchiquin were dismissed just after his arrest and with the loss of the shrievalty of Cork he was once again pushed to the fringes of the county. Inchiquin and the shrievalty had temporarily given him what seemed an unassailable foothold in the region which the gentry of Cork, who had long been trying to resist his efforts to expand his authority in that county, simply could not ignore. His forfeiture had eradicated this foothold, leaving him with the few scattered properties he had inherited from his father and Dunnamark, which he had purchased from Carew.

²⁶⁹ NAI RC 8/18, p. 350.

²⁷⁰ Frame, *English Lordship*, p. 220, n. 95.

²⁷¹ 44th Rep. DKI, p. 23; 45th Rep. DKI, pp. 38-9.

Edward III's rehabilitation of Maurice fitz Thomas seems to have been well thought out and effective. His unsavoury activities of the 1320s had been punished with several years of incarceration in Dublin castle and a significant reduction of his authority in Munster (the loss of the two shrievalties); a substantial emphasis was placed on ensuring his future good behaviour (nearly 30 mainpernors and several hostages); and only then could he begin the slow process of regaining the liberty of Kerry, his chief serjeancies, and the pardon of his rent of Dungarvan. By design or chance, even the return of his liberty came with a reinforced message that they were restored by the leniency of the king; the royal government in Dublin was all too eager to show that they should not be restored.²⁷³

During most if not all of the next decade, Maurice fitz Thomas served the king loyally both in Ireland and abroad, a fact often omitted from discussions of his career. Not only was he in royal favour from 1333 until 1345, but even his relationship with the Dublin government improved for much of this period. This period did begin with a show of force by the newly restored earl of Desmond, but this time the military effort was firmly and undeniably in the interests of the English lordship of Ireland.

Early in 1335, Desmond led a campaign against his former ally Brian Bán Ó Briain.²⁷⁴ Little is known of this campaign. Clyn, alone of the chroniclers of Ireland, recorded it and noted only that Desmond knighted seven men near Grean, Co. Limerick at the time.²⁷⁵ It seems to have done little to slow Ó Briain's raiding. Later that year, Desmond joined a second expedition. John Darcy, then justiciar, along with James Butler, earl of Ormond and Maurice fitz Thomas, earl of Desmond, led a large Anglo-Irish force to act as a third prong in Edward's 1335 campaign in Scotland.²⁷⁶ Maurice, no doubt eager to show his loyalty, brought a force numbering twice that of Ormond's and nearly a third of the whole Anglo-Irish force.²⁷⁷

²⁷² RC 8/18, p. 311.

²⁷³ Frame, *English Lordship*, p. 220.

²⁷⁴ Clyn, p. 27.

²⁷⁵ Clyn, p. 27.

²⁷⁶ R. Nicholson, *Edward III and the Scots* (London, 1965) p. 205; NLI GO MS 191, p. 63; NAI M 2648, p. 57.

²⁷⁷ PRO E 101/19/16; R. Nicholson, 'An Irish expedition to Scotland in 1335', *IHS*, 13 (1962-3) p. 211; Nicholson, *Edward III and the Scots*, p. 255.

Irish Expeditionary Force, 1335²⁷⁸

leaders of contingents	bannerets	men-at-arms	hobelars	footmen
Maurice fitz Thomas, earl of Desmond	4	176	124	347
James Butler, earl of Ormond	2	78	74	164
John Darcy		60	41	60
Walter Bermingham		40		100
Richard Tuit		40	32	80
Thomas Wogan		22		40
Francis Feip		15		6
John Morice		11	6	8
Thomas Cross		10	6	
John Athy		10		
Domhnall Mac Murchada		8		
TOTALS		470	283	805

Unfortunately there is little indication of who served in Desmond's force. A glance at the royal summons reveals some likely candidates, men such as Mac Dermot (i.e. Dairmaid Óg Mac Carthaigh) and Thomas Lees who had prior connections with the earl as well as a number of men from southwest Munster,²⁷⁹ but the records simply do not survive to allow a reconstruction of fitz Thomas's force. Desmond and his forces arrived in Drogheda on 30 July and remained there until 28 August when the expedition finally got underway.²⁸⁰ The expedition seems to have had some success on Arran and besieged Rothesay castle on the Isle of Bute but failed to take it.²⁸¹ By late September Ormond and most of the other Anglo-Irish had departed, but the justiciar with Desmond, Walter Bermingham and Thomas Wogan remained until 15 October.²⁸² Despite the briefness of the campaign and its lack of concrete results, Nicholson argues that it did have an important impact: 'the impact of a fresh army of over fifteen hundred [Anglo-] Irish troops in the wake of the largest English army ever to invade Scotland during

²⁷⁸ After Nicholson, 'An Irish expedition to Scotland in 1335', p. 211.

²⁷⁹ Rymer, *Foedera*, II, ii, pp. 906-7; *RS*, i, pp. 343-4.

²⁸⁰ Nicholson, 'An Irish expedition', pp. 205-6; Nicholson, *Edward III and the Scots*, pp. 219-21; PRO E 101/240/11; *RCH*, p. 41, no. 40; *IEP*, pp. 380, 623.

²⁸¹ *Clyn*, p. 26. Nicholson, 'An Irish expedition', p. 207; Nicholson, *Edward III and the Scots*, p. 221.

²⁸² Nicholson, 'An Irish expedition', p. 208; Nicholson, *Edward III and the Scots*, p. 222.

Edward's reign was calculated to convince the Scots of the hopelessness of resistance'.²⁸³

In 1339, Desmond led another successful campaign against the Irish as well as their Anglo-Irish allies. Maurice fitz Nicholas, lord of Kerry was captured during this campaign and imprisoned for supporting the Irish against Desmond and the king.²⁸⁴ It is hardly surprising to find the lord of Kerry siding against Maurice fitz Thomas; there was considerable tension between Maurice fitz Thomas and the lords of Kerry from early in fitz Thomas's career probably because of his expansionist leanings; and the situation had been compounded by the creation of Maurice fitz Thomas's liberty of Kerry which left the lords of Kerry with something of an empty title. Maurice fitz Nicholas was, however, Desmond's brother in law. Desmond had married Aveline, Maurice fitz Nicholas's sister,²⁸⁵ some time in the early 1330s as their first son was born in July 1336.²⁸⁶ Despite this familial connection, Maurice fitz Nicholas's imprisonment was very different to Desmond's own experiences: the lord of Kerry's death in prison on 16 August 1339 was probably the result of starvation.²⁸⁷ The following year, Desmond was commissioned, along with David Caunton and David fitz David Barry, to investigate which Anglo-Irish were 'adherents' of the rebellious Irish.²⁸⁸

This service was rewarded by the king. Between 1336 and 1338, Maurice fitz Thomas received more patronage than at any other point in his career excepting his promotion to earl in 1329. In May 1336, Maurice was granted custody of a portion of the temporalities of the Bishopric of Ardfert for which he was to answer at the exchequer.²⁸⁹ This grant is not surprising as the bishopric was roughly coterminous with the county of Kerry. The lands placed in Desmond's custody were the manors of Ardagh, Rathondony and Killayne, Co. Kerry, but he only held the lands briefly as the new bishop of Ardfert, Ailín Ó hEichthighirn, was granted the temporalities of the

²⁸³ Nicholson, 'An Irish expedition', p. 208.

²⁸⁴ *St. Mary's Abbey*, ii, p. 382; *Grace*, p. 133; *Leg. Proc.*, pp. 21, 42-3.

²⁸⁵ K. W. Nicholls, 'The fitzMaurices of Kerry', *JKAHS*, 3 (1970) p. 33.

²⁸⁶ *CIPM*, x, pp. 325-6.

²⁸⁷ *Leg. Proc.*, pp. 21, 42-3; Nicholls, 'The fitzMaurices of Kerry', p. 33; Sayles, 'The rebellious first earl', p. 216.

²⁸⁸ *CPR*, 1340-3, p. 93.

²⁸⁹ *44th Rep. DKL*, p. 56.

bishopric on 18 November of the same year.²⁹⁰ In September of the following year, the king pardoned Robert Bosworth at the insistence of Maurice fitz Thomas.²⁹¹ In January 1338, Maurice was granted protection for the Rodecogge, a ship he was sending to Gascony.²⁹² Later that year, Maurice was also granted the custody of the lands of two lesser landholders, Gerald St. Michael and David son of Alexander Roche.²⁹³ The grant of custody of David Roche's lands is hardly surprising as the lands involved, Glanworth and Castletown Co. Cork, lay very close to Desmond's holdings in Mallow. Gerald St. Michael's lands, Reban and Athy Co. Kildare, were probably more difficult for Desmond to administer. Although Roche's lands could have been administered and defended more easily and without as much reliance on the local population, the St. Michael lands in Kildare, lying along the River Barrow, may still have proved more profitable. The fact that Maurice held both custodies free of rents and renders would have added greatly to their value. The most important of the custodies granted to Desmond, and by far the most valuable was the grant of the custody of the lands and the marriage of the heir of the earl of Ormond during his minority.²⁹⁴ This extremely lucrative custody was a clear sign of royal favour and should have been a great financial boon to the earl. But, as we shall see, it instead proved to be a source of renewed hostility between Desmond and the Dublin government.

Relations between the crown and Desmond seem to have reached their peak in the period from 1338 through 1340 while Thomas Charleton, bishop of Hereford was acting as justiciar. Relations between Desmond and the bishop of Hereford were good enough that Richard le Waleys claimed they were in league. This accusation came in a letter which Maurice fitz Thomas had intercepted which further 'hinted darkly at the possibility of arranging Desmond's assassination' because of Desmond's intention to disseise Richard.²⁹⁵ The letter was enrolled in the justiciary roll but the original roll has

²⁹⁰ 44th Rep. *DKI*, p. 56; *NHI*, ix, p. 292.

²⁹¹ *RCH*, p. 42, no. 20.

²⁹² *CPR*, 1334-8, p. 569.

²⁹³ 53rd Rep. *DKI*, p. 39; *NLI GO MS 191*, pp. 200, 250; *NAI M 2649*, pp. 11, 48.

²⁹⁴ 47th Rep. *DKI*, p. 69; *CFR*, 1337-47, pp. 404-7; *NAI RC 8/21*, pp. 511-12.

²⁹⁵ *NLI GO MS 191*, pp. 204-5; *NAI M 2649*, pp. 14-19; Frame, *English Lordship*, p. 230, n. 7; Parker, 'Politics and society', p. 48; K.W. Nicholls, 'Abstracts of Mandeville deeds, *NLI MS 6136*', *AH*, 32 (1985) pp. 18-19, n. 7.

not survived nor has any information concerning any actions taken in response. Clearly Desmond and Charleton did have a better relationship than had generally existed between the earl and past justiciars. Most notably, it was at this time that Desmond was granted custody of the lands of Giles Badlesmere following Giles's death in 1338. But Charleton went even further: at the request of Maurice fitz Thomas, Charleton held an inquisition into the Badlesmere portion of the Clare inheritance and determined that the whole of the Badlesmere portion was held of the earl of Desmond.²⁹⁶ This claim was not so far fetched as it sounds and has been assumed to have been. Inquisitions held in 1348 (during Maurice fitz Thomas's second forfeiture) before Roger Darcy (who has never been accused of favouring Desmond) found that the Badlesmere lands in Cork and Limerick were, in fact, all held either of Desmond or as part of Inchiquin.²⁹⁷ Only their lands in Thomond, now lost to the Uí Bhriain and mentioned in neither set of inquisitions into Badlesmere's holdings, were held otherwise. Therefore, if the lands in Thomond were acknowledged lost and his claim to Inchiquin was accepted as it had been in 1329, Maurice fitz Thomas would have been able to claim that all the Badlesmere lands in Ireland were held of him. Thomas Charleton may have been willing to make both these concessions and, thereby, acknowledge Desmond's claim.

However, Maurice fitz Thomas's improved relationship with the Dublin government and the king did not bring his conflicts with neighbouring landholders to an end, as is clear from the letter supposedly written by Richard le Waleys mentioned above. Desmond's conflict with Richard has resulted in modern suspicions that he illegally seized the manor of Kilmanaghan around this time, but the evidence is suspect. Richard le Waleys and Maurice fitz Thomas came into conflict over the manor of Kilmanaghan but the conflict escalated well beyond a mere land dispute. As we have seen, in the late 1330s Richard le Waleys claimed that Desmond was trying to disseise him and he saw no hope of gaining legal remedy owing to Desmond's connections with Charleton, the justiciar.²⁹⁸ Only a few years later we find that Richard had indeed lost

²⁹⁶ *CCR*, 1341-3, pp. 636-7; *CIPM*, viii, pp. 148-9; Frame, *English Lordship*, pp. 229-30.

²⁹⁷ *CIPM*, ix, p. 128.

²⁹⁸ Frame, *English Lordship*, p. 230, n. 7.

his lands: in 1341, Walter de Mandeville and his wife granted Kilmanaghan to Maurice.²⁹⁹ Parker argues that this transfer was the result of Maurice's successful efforts,³⁰⁰ but this is not the only possible explanation - Nicholls has proposed that Walter may have married an heiress of Richard le Waleys.³⁰¹ Parker has dismissed this because of accusations that Desmond was trying to steal the manor. However, it seems unlikely that the recently restored earl would commit such a theft immediately after enrolling an accusation that he was trying to do so. If le Waleys had died (there is no further mention of him and there was violence within the le Waleys lineage around this time³⁰²) then his lands might have been inherited by an heiress; an heiress who could have been married to Walter de Mandeville as Nicholls suggests.³⁰³

Parker supports the notion that Desmond illegally seized Kilmanaghan by arguing that the manor was treated as an independent manor after Desmond's forfeiture and the le Waleyses may have regained it,³⁰⁴ but this claim is unsustainable. First, Parker states that the manor 'was considered as separate from the Desmond lands in Waterford',³⁰⁵ but this is a misrepresentation of the entry in the exchequer receipt rolls. The entry states that the manor was part of the forfeited lands of Thomas fitz John 'le Neveu',³⁰⁶ i.e. Maurice fitz Thomas's nephew. The 1341 deed in which Walter de Mandeville granted these lands to Maurice also contains the proviso that they were ultimately to be held by Thomas fitz John.³⁰⁷ The manor was separate from Dungarvan because *Maurice* had alienated it to his nephew. Parker then argues that the le Waleys may have regained Kilmanaghan because one Thomas fitz Gilbert (whom Parker identifies as a le Waleys) had custody of the lands. However, this was merely a temporary custody of lands in the king's hands due to forfeiture and, more importantly,

²⁹⁹ Nicholls, 'Mandeville deeds', pp. 18-19.

³⁰⁰ Parker, 'Politics and society', p. 212, n. 93.

³⁰¹ Nicholls, 'Mandeville deeds', p. 4.

³⁰² Leg. Proc., pp. 34-5.

³⁰³ Nicholls, 'Mandeville deeds', p. 4. There is further evidence of a connection between Richard and Walter; Richard had granted the manor of Ballymoltyne to Walter in 1337. (Nicholls, 'Mandeville deeds', p. 18).

³⁰⁴ Parker, 'Politics and Society', p. 63, n. 52.

³⁰⁵ Parker, 'Politics and Society', p. 63, n. 52.

³⁰⁶ PRO E 101/241/14; PRO E 101/241/17.

³⁰⁷ Nicholls, 'Mandeville deeds', pp. 18-19.

this Thomas was not named as a le Waleys in the exchequer roll.³⁰⁸ It is more likely that he was a Desmond Geraldine: Thomas fitz Gilbert (ancestor of the White Knights).³⁰⁹ This Thomas fitz Gilbert was based in Limerick and the Thomas fitz Gilbert who had custody of Thomas fitz John's lands (and Castleisland³¹⁰) also appeared paying his own debts in Limerick.³¹¹ Like other Desmond supporters who abandoned Desmond just before his rebellion collapsed, Thomas fitz Gilbert may have been rewarded for changing sides with this custody.³¹²

This period of good relations between the king and Desmond and between the Dublin government and Desmond saw Maurice fitz Thomas once again making substantial gains. His claims to lordship of the Badlesmere lands in Ireland were accepted and confirmed and he received substantial royal patronage, particularly in the form of custodies. However, this period lasted for only a few years after Thomas Charleton was replaced as chief governor of Ireland. The decline in relations between Desmond and the Dublin government was not echoed in Desmond's relations with Edward III - Desmond remained in royal favour until he clashed with the justiciar in 1345. There were two reasons for renewed conflict in the 1340s. First, Desmond's claims to the Clare/Badlesmere lands were again brought under scrutiny owing to pressure from Giles Badlesmere's co-heiresses. Second, Desmond's custody of the Ormond minority came under attack.

Maurice fitz Thomas's Rebellion

It has been asserted that Desmond began to move towards rebellion again in 1339.³¹³ This argument, which ignores Desmond's relationship with the bishop of Hereford who was acting justiciar until 1340, was based on accusations made against Desmond in 1345 and 1346. These inquisitions accused Desmond of a number of unlawful activities

³⁰⁸ Even if he was a le Waleys, his relationship to Richard is far from obvious. If he was a le Waleys, he may well have been brother to the two sons of a Gilbert le Waleys who gained Maurice fitz Thomas's protection in 1341 (Leg. Proc., pp. 34-5).

³⁰⁹ Nicholls ascribes the last clear reference to this Thomas fitz Gilbert as 1346 (*NHI*, ix, p. 168) but these custodies push that date forward to 1349.

³¹⁰ PRO E 101/241/12; *IEP*, p. 419; see below, p. 85.

³¹¹ PRO E 101/241/20.

³¹² See below, p. 85.

³¹³ O'Brien, 'Territorial ambitions', pp. 71-2.

during the period 1339-1342. He was accused, accurately, of dealing out harsh justice. But further accusations of unwarranted imprisonments and hangings appear more questionable.³¹⁴ In the one case where any details are available elsewhere, it is clear that the man in question, Maurice fitz Nicholas, was indeed guilty of supporting the Irish of Kerry against the earl and fitz Nicholas's activities had been noted by the Dublin government earlier in the decade.³¹⁵ Desmond was also condemned for releasing Dairmaid Óg Mac Carthaigh's son Fíngen but this too may be a misrepresentation.³¹⁶ It has been suggested that this was part of a hostage exchange or some other form of deal.³¹⁷

The only other support for the theory that Desmond was already moving towards rebellion by the beginning of the 1340s comes from Desmond's failure to attend parliament in Dublin during October 1341, but he was not the only magnate who failed to attend. This was part of a greater dispute between the king and the Anglo-Irish in the wake of the revocation of all grants made in the time of Edward II and III and the installation of a number of new ministers in Dublin. This parliament was reconvened in Kilkenny the following month and Desmond may have been in attendance for this second portion.³¹⁸ By this time the Anglo-Irish had already undermined the new administration to the point that the new ministers feared attending the Kilkenny session of parliament. This parliament drafted a petition to the king explaining their actions and condemning the Dublin ministers. The king, faced with a unified Anglo-Irish community including both nobles and commoners, backed down.³¹⁹

The first signs of Desmond becoming confrontational with the Dublin government was in 1343 when the issue of the Badlesmere inheritance became a cause

³¹⁴ Leg. Proc., pp. 21, 43, 45.

³¹⁵ *IEP*, p. 472. See above, p. 70.

³¹⁶ Leg. Proc., p. 19.

³¹⁷ Mogdan, 'Examining the Evidence', pp. 49-50.

³¹⁸ Curtis assumes he was present (Curtis, *Medieval Ireland*, p. 215; Sayles, 'The rebellious first earl', p. 216). No information survives regarding attendance at this parliament. Curtis may have assumed that the Dublin annalist's comment on Desmond's absence from Dublin suggested his present when the parliament reconvened, or he may have been following the version of events given by Sir John Davies in the seventeenth century (J. Davies, *A Discovery of the True Causes why Ireland was Never Entirely Subdued [and] Brought Under Obedience of the Crown of England Until the beginning of his Majesty's Happy Reign (1612)*, Myers (ed.) (Washington, D.C., 1988) pp. 156, 183; p. 183, n. 302).

for dispute. In 1343 Edward III ordered the justiciar to investigate the status of Inchiquin again and he stated that Desmond had failed to grant the heiresses their portions of the lordship.³²⁰ But here again, there must be some questions as to motives. Giles's four sisters were his co-heiresses. Their husbands were William Bohun earl of Northampton, John de Vere earl of Oxford, William Ros, and John Tybetot.³²¹ These were men of some significance: John de Vere was just beginning a very promising military career and William Bohun was a friend of the king, who had created him earl in 1337.³²² Maurice fitz Thomas could not have hoped to resist efforts by them to claim their wives' inheritances. It is far more likely that they were unwilling to accept Desmond as an overlord and so never even approached the issue - going first to the king.³²³

At the end of September 1343, another inquisition was held and the Dublin government once again dismissed Desmond's claims to Inchiquin and seized the lordship.³²⁴ Maurice fitz Thomas, with the advice of his council, re-entered the lordship just days after this seizure and reappointed his own men as seneschal and serjeant of the lordship.³²⁵ Desmond's men then proceeded to administer the lordship; they collected rents and administered the court.³²⁶ Aside from claiming that coercion was used in collecting rents (often the same was said of sheriffs and royal officials) even the jurors could find no further complaints against his administration of Inchiquin once he had seized it. While noting that Desmond's men ran the courts, the jurors also, perhaps inadvertently, noted that Desmond punished three members of his military force for crimes committed in Youghal.³²⁷ The general view put forward by the inquisitions was that Desmond did little to control his retinue but this incident suggests otherwise. This is a single instance, but the fact that it is contained in a series of inquisitions called to

³¹⁹ Sayles, 'The rebellious first earl', p. 216; Frame, *English Lordship*, pp. 242-56; *St. Mary's Abbey*, ii, pp. 383-4; *Grace*, p. 133.

³²⁰ *CIPM*, viii, p. 148.

³²¹ *CCR*, 1341-3, pp. 636-7; *CIPM*, viii, p. 148.

³²² McKisack, *The Fourteenth Century*, pp. 148, 153, 176.

³²³ *CIPM*, viii, p. 148; *CCR*, 1341-3, pp. 636-7; *NAI RC* 8/22, pp. 382-6, 442-8.

³²⁴ *CIPM*, viii, p. 148-9; *Leg. Proc.*, pp. 29-31, 35-6.

³²⁵ *Leg. Proc.*, pp. 30-1, 35-6.

³²⁶ *Leg. Proc.*, pp. 29-31, 35-6.

³²⁷ *Leg. Proc.*, p. 36.

show Desmond's abuses (which is the only source for accusations about the unpunished excesses of his troops) suggests it was not unusual.

In spite of these problems in Ireland, the good relationship between the king and Maurice fitz Thomas seems to have continued until 1345 despite a misunderstanding concerning the custody of the Ormond lands. Desmond had promised 2300 marks to regain the custody from the countess of Ormond who had recovered it in 1343.³²⁸ He paid £1000 immediately but was unable to send the 800 marks still due,³²⁹ because, apparently without the king's knowledge, the Dublin government had forbidden anyone to leave Ireland without the king's licence.³³⁰ After the king issued Desmond's courier licence to travel, Desmond sent at least 500 of the 800 marks still due (unfortunately the cash was lost at sea).³³¹ In September 1344 the king ordered custody of the Ormond lands to be returned to Desmond.³³² As late as January 1345, Maurice fitz Thomas was still in favour with the king - his agent for his negotiations concerning the Ormond custody, John Coterell, received an exemption from holding public office on 14 January 1345.³³³

Relations between Desmond and the Dublin government had begun to collapse months earlier. In mid July 1344, Ralph Ufford arrived in Ireland as the new justiciar and immediately attacked Desmond's land claims and custody. Ufford set out for Munster eight days after his arrival.³³⁴ Just two days after Ufford's arrival, Desmond sent a substantial force to Youghal to seize the town.³³⁵ Either Desmond had not taken control of the town the previous year when he retook the manor of Inchiquin or the citizens of Youghal, perhaps emboldened by the arrival of the new justiciar, were refusing his authority. When his troops arrived, the town was prepared to defend itself

³²⁸ R.F. Frame, 'The justiciarship of Ralph Ufford', *SH*, 13 (1973) p. 19; *CPR*, 1343-5, p. 244; *CCR*, 1343-6, p. 392.

³²⁹ There is some confusion over the amounts paid. The patent rolls tell us he paid £1000 (*CPR*, 1343-5, p. 244) but the memoranda rolls say 1000 marks (NAI RC 8/27, pp. 250-2, 274-5). However, there is a further mistake in the memoranda rolls document (the 1000 marks are said to have been paid by Maurice's son John, when it was John Coterell who made the payment). It seems likely it is the memoranda rolls which are corrupt.

³³⁰ *RCH*, p. 44, no. 44; *CPR*, 1343-5, p. 244.

³³¹ *CPR*, 1354-8, p. 412; *CPR*, 1354-8, p. 345; NAI RC 8/27, pp. 250-2, 274-5.

³³² *CFR*, 1337-47, pp. 404-7.

³³³ *CPR*, 1343-5, p. 371; Frame, *English Lordship*, p. 272.

³³⁴ Frame, 'Ufford', p. 17.

and refused them entry. The earl's forces tested the town's resolve by setting up camp around the town. After eight days they withdrew, probably due to the approach of the justiciar's army.³³⁶ Despite both sides' preparedness for the use of force, there seems to have been no violence in this standoff. Under common law, possession meant a great deal to a court case; Desmond's unwillingness to use force suggests he still intended a legal solution to his problems but had to lay the physical groundwork required by law.³³⁷

Both an unwillingness to use force on Youghal and the approach of the justiciar were important factors in the withdrawal of Maurice fitz Thomas's forces from around Youghal but there may have been a third factor. Early in 1344, Desmond also became embroiled in a conflict within the Barry family. In March, a cadet branch of the Barrys had gathered a small army and attacked the senior line in Olethan. Following this attack, the leader of the cadet branch approached Desmond and supposedly gained his aid for a second attack which was apparently just days after Desmond abandoned his attempt to seize Youghal.³³⁸ It may be that the earl withdrew his forces from Youghal for use in this dispute.

In August, the justiciar ejected Desmond's officers and appointed new officials in Inchiquin.³³⁹ Then in mid October, the justiciar transferred custody of the Ormond estates during the minority to the Countess of Ormond and her second husband, Thomas Dagworth, apparently on his own authority.³⁴⁰ Desmond's agents had received confirmation of his custody of the Ormond lands from the king just a month and a half before.³⁴¹ Not surprisingly, Desmond was hesitant to deliver the lordship over to them on instructions of the justiciar when the king had just confirmed his custody and he resisted. Despite Empey's accusations that Desmond made no effort to defend the

³³⁵ Leg. Proc., p. 31.

³³⁶ Leg. Proc., p. 31.

³³⁷ It is perhaps worth noting that this standoff was not dissimilar to confrontations over contested manors; it seems to follow the accepted form for seizing disputed lands though the force involved and the manor involved were both on a much larger scale than usual (J.G. Bellamy, *Bastard Feudalism and the Law* (London, 1989) pp. 40-8, 42).

³³⁸ Leg. Proc., 32-4, 36-8.

³³⁹ Frame, 'Ufford', p. 18. New officials were appointed in November, but it seems likely that Ufford had removed Desmond's officials during August while he was in Munster.

³⁴⁰ *RCH*, p. 48, no. 152; Frame, 'Ufford', p. 19.

lordship during this custody,³⁴² his constable at Nenagh was able to resist a siege until the middle of the following month.³⁴³ Empey's suggestions that Desmond 'pillaged' the Butler lordship while it was in his custody are also unfounded - they are based on events which took place after, and as a direct result of, Desmond's removal as custodian.³⁴⁴

At Tralee on 26 August 1346, Desmond was again accused of having plotted to make himself king of Ireland around this time. A 1346 jury claimed that Desmond sent letters to the kings of Scotland and France and to the pope in 1344 in order to gain support for making himself the ruler of Ireland.³⁴⁵ Frame has stated that the details of this plot suggest that the story was 'either true or malicious concoctions, rather than vague rumour'.³⁴⁶ There are several factors which argue for malicious intent. First, there is no suggestion of this plot prior to this 1346 inquisition. None of the other 1340s juries stated, or even suggested, that Desmond had conspired to make himself king. There are statements throughout the 1340s inquisition to the effect that Desmond was attempting to undermine the king or to seize the king's lands but these make more sense if they are interpreted as being references to Desmond's attempts to usurp Inchiquin and some royal jurisdictions. If these earlier juries had suspected Desmond really aimed to make himself king, they would have spelled it out in no uncertain terms, as they had in the 1330s. They were being encouraged to put forward any and all details concerning Desmond's misbehaviour and any such charges would have been warmly received by Ufford. Nor could it have been due to a lack of informants: at least one important Desmond retainer appeared on a juror the previous year.³⁴⁷ Second, no other reference to these letters survives in England, Scotland, France, or even in the papal archive in Rome. Third, the story lacks the involvement of other Anglo-Irish magnates; the factor which was most likely responsible for undermining the 1320s version of this charge.³⁴⁸ The only other individual who was implicated was Stephen Lawless, who was accused

³⁴¹ *CFR*, 1337-47, pp. 404-5.

³⁴² Empey, 'The Butler Lordship in Ireland', p. 187.

³⁴³ 'Annals of Nengh', *AH*, 12 (1943) p. 160; Empey, 'The Butler Lordship in Ireland', p. 182.

³⁴⁴ C.A. Empey, 'The Butler Lordship', *Journal of the Butler Society*, 1 (1970-1) p. 178.

³⁴⁵ *Leg. Proc.*, pp. 20-1.

³⁴⁶ Frame, 'Ufford', p. 28.

³⁴⁷ See Chap. 5, p. 260.

of 'making suggestions at the court of Rome with the intent of barring the king from his right lordship in Ireland',³⁴⁹ and even here the wording is suspiciously vague. Lawless may have been sent to Rome by Maurice fitz Thomas at the time, but Desmond's recorded business with the pope was far more mundane. He was seeking papal dispensations for his children's marriages,³⁵⁰ a canonry of Dublin for Lawless,³⁵¹ and further religious privileges.³⁵² Despite the draconian punishments which followed Desmond's defeat, not one single individual was accused of conspiring to make Desmond king.³⁵³ A Cork inquisition in 1344 did mention Desmond extracting an oath of loyalty from his followers that year.³⁵⁴ Here, may be the kernel of truth in the story. He could well have called on his men to swear to serve him against royal officials as the Dublin government was attacking his claims in Inchiquin again. The Kerry jury who accused Desmond of aspiring to regality in Ireland may have been both giving royal ministers what they wanted as well as attempting to remove themselves from Desmond's power. After all, some of these men had been tenants-in-chief until 1329.

In 1345, Maurice fitz Thomas attempted to call a meeting with the other Anglo-Irish magnates at Callan on 22 February but Ufford forbade the meeting and none of the other lords attended.³⁵⁵ Desmond may have been hoping to gain the support of the other magnates and to engineer a unified response against the new justiciar as had occurred in 1341 at Kilkenny. This may not have been as unrealistic as it sounds. Much of Anglo-Irish magnate society would have resented Ufford's efforts to impose a strong crown government on them. His strong-arm tactics, threats of resumptions (stretching back 30 years), and his tendency to grant lands and offices to those who had come with him

³⁴⁸ The 1330s accusations may have been dismissed on the grounds that the others said to be involved were implausible co-conspirators (see above, pp. 61-2).

³⁴⁹ PRO C 81/324/18827; 'SC 8', *AH*, 34 (1987) p. 157.

³⁵⁰ *Papal Registers: Letters*, iii, pp. 87, 165; *Papal Registers: Petitions*, i, pp. 15, 79.

³⁵¹ *Papal Registers: Petitions*, i, p. 15.

³⁵² Desmond sent a petition requesting 'that his confessor may give him plenary absolution at the hour of death' (*Papal Registers: Petitions*, i, p. 15) and 'that religious, whether mendicant or non-mendicant, may have dispensation to use commons and eat meat in his court' (*Papal Registers: Letters*, iii, p. 88; *Papal Registers: Petitions*, i, p. 15).

³⁵³ See below, p. 84.

³⁵⁴ *Leg. Proc.*, pp. 37-8.

³⁵⁵ *Clyn*, p. 30; Frame, 'Ufford', p. 26.

from England would hardly have endeared him to Anglo-Irish society.³⁵⁶ His arrival also 'marked a renewal of absentee influences'³⁵⁷ in Ireland and though Desmond, of the Anglo-Irish magnates, was the most entangled in attempts to gain absentee lands,³⁵⁸ he was certainly not alone. Indeed, whether or not the Dublin annalist was 'a Desmond partisan', he could have found more reasons to dislike Ufford than the new justiciar's heavy reliance on purveyance,³⁵⁹ and his views should be taken to represent at least a portion of Anglo-Irish society rather than being dismissed as pro-Desmond. But, in February 1345, only Desmond's interests were, as yet, widely threatened, so his efforts to arrange organised resistance failed.

Around the time Maurice fitz Thomas was attempting to organise this meeting he seems to have been preparing for more drastic measures. The first indication of this is a peculiar entail made to his third son Gerald in 1345.³⁶⁰ This unusual document survives only in an Elizabethan copy of a copy made during the reign of Philip and Mary. The document is oddly worded and contains several obvious scribal errors which raise questions about the accuracy of the transcription and the authenticity of the document. However, the list of lands given in the document appears to contain no anachronistic landholdings and the entail clause and witness list seem similarly accurate.³⁶¹ These factors argue for the document's authenticity despite its unusual characteristics but they do not rule out the possibility of sixteenth-century tampering with the content. The document must be treated as suspect but a case can be made for accepting its basic tenet: on 16 January 1345 Maurice fitz Thomas entailed all his lands to his third son, Gerald. The timing for such a grant is obvious. Maurice was attempting to organise resistance against Ufford and may have been considering the use of force. He may have thought it sensible to arrange for a younger son to have a claim to his

³⁵⁶ Frame, 'Ufford', pp. 11, 14-15, 22.

³⁵⁷ Frame, *English Lordship*, pp. 265-6, 273.

³⁵⁸ Frame, *English Lordship*, p. 273.

³⁵⁹ Frame, 'Ufford', p. 15.

³⁶⁰ There is an error in the dating clause. It is given as 16 January 16 Edward III in England, 5 in France. It seems likely the scribe has mistakenly repeated the 16; the date should read 16 January 18 Edward III in England, 5 in France-16 January 1345 (LPL MSS 616, m. 153d; CCM, 1515-74, p. 418, no. 283).

³⁶¹ I have not been able to identify all the lands and witnesses, but those I have identified are not anachronistic. The entail gives us the name of a fourth son, John, but is otherwise only unusual in the order; the order of inheritance given is third son, second son, forth son, first son, nephew.

lordship should the situation go badly for him. Indeed, when he found himself forfeit and sought royal protection to travel to court a year and a half later, he arranged for only *two* sons to accompany him to England, probably leaving his third son, Gerald, in Ireland perhaps with his Irish allies.

A later piece of legislation lends further credence to the document. A statute passed at the time of Maurice fitz Thomas's restoration in 1351 forbade this type of grant and annulled any which had been made in the past:

Forasmuch as divers people enfeoff their children or other strangers, of their lands, and give their goods and chattels by fraud or collusion, in order to bar our lord the king of his debt, and parties also of action and recovery, it is agreed and assented that such feoffment and alienation be held as void, and that the King and the parties have execution and recovery of their lands, goods and chattels, as well as of the proper lands of the said alienor; and if the case happen that any man be of purpose to levy war against the King or to commit any felony, and for that reason enfeoff any man of his lands, in order to commit such felonies and treasons after the feoffment, that if afterwards he be attainted of the aforesaid treasons or felonies, that those aforesaid lands, into whose hands soever they come, be forfeited, notwithstanding the feoffment, as if they were in his possession the very day of the felony. And that this ordinance have place as well in respect of feoffments on this account heretofore made as those to be made in times to come.³⁶²

Although this statute was not the first of its kind, it echoes statutes from 1310 and 1320,³⁶³ the wording in this instance is far more specific than in the two previous versions. The timing of this legislation and the nature of the new details included in this version (particularly the mention of enfeofments to children and the careful reference to the fact that it applies to 'feoffments... heretofore made') would suggest an effort by Maurice fitz Thomas to ensure that a now embarrassing grant was nullified and that there was no hindrance to his first son's inheritance.

In February 1345, Desmond was summoned to account, in April, at the exchequer for the issues of the Ormond lordship while it had been in his custody.³⁶⁴ The earl of Desmond was made to take an oath of loyalty, probably at the same time. Six other men, Walter Bermingham, Thomas Wogan, Fulk de la Freigne, John Wellesley, Walter l'Enfaunt, and William Wellesley, were also present probably acting as sureties.³⁶⁵ Foreshadowing things to come, Ufford also had the names of the 1333

³⁶² *Early Statutes*, p. 383.

³⁶³ *Early Statutes*, pp. 271, 289.

³⁶⁴ NAI RC 8/23, p. 319; Frame, 'Ufford', p. 26.

³⁶⁵ NLI GO MS 191, p. 290; NAI M 2649, pp. 38-9; Frame, 'Ufford', pp. 26-7.

mainpernors for Desmond enrolled again.³⁶⁶ This and the hanging of several le Poers who had been burning parts of Waterford may have led Desmond to the belief that he was going to be hounded until Ufford found an excuse to hang him as well.³⁶⁷

At this point Desmond seems to have given up hope of legal remedy. He ignored the summons to the June parliament at Dublin and, instead, set out on a military campaign apparently to take back the Butler lordship.³⁶⁸ On 19 June, Desmond led his troops to Thurles, Co. Tipperary and attacked Ely and Ormond and seven days later he attacked the castle of Nenagh: all part of the Ormond lordship which had been turned over to the Countess of Ormond. He was unable to capture the castle of Nenagh but he captured and took hostages from several important men in the region and wasted much of the region.³⁶⁹

In late June, Ralph Ufford led a force into Munster against the earl. The Dublin annals accuse him of doing so *sine tamen assensu majorum terre* ('without, however, the assent of the greatest of the land').³⁷⁰ Undoubtedly this refers to a failure on Ufford's part to consult with the leading magnates in Ireland, instead acting by the counsel of his extensive retinue. By this point, it seems unlikely that the 'greatest of the land' could have suggested another approach. Even if Desmond's fellow Anglo-Irish magnates were aware that Ufford had pushed him to this breaking point, Maurice fitz Thomas was now clearly in the wrong. However, Desmond may not have been expecting Ufford to launch a military campaign against him. His failure to personally engage the justiciar's army suggests this was not the course of events he had planned. Maurice sent a part of his force out, apparently to engage the justiciar at Kilhimegan on 2 July. The justiciar had fallen back to Ballybothy where the earl's force seems to have broken off and returned to Kingswood to rendezvous with the earl.³⁷¹ Following this, the justiciar summoned both royal service and the shire levies of the southwest.³⁷²

³⁶⁶ NAI M 2649, pp. 77-9.

³⁶⁷ *Clyn*, p. 31; Frame, 'Ufford', p. 27.

³⁶⁸ *Grace*, p. 137; *St. Mary's Abbey*, ii, p. 385.

³⁶⁹ *Leg. Proc.*, pp. 20-1, 24; *Clyn*, p. 31; *COD*, ii, pp. 226-7.

³⁷⁰ *St. Mary's Abbey*, ii, p. 385; *Grace*, p. 137; Frame, 'Ufford', p. 28.

³⁷¹ *Leg. Proc.*, pp. 25-6; Sayles, 'The rebellious first earl', p. 221; Frame, 'Ufford', p. 29.

³⁷² Frame, 'Ufford', pp. 29-30.

Desmond fell back before the justiciar's advance but Ufford had to take the castles of Askeaton and Castleisland by force.³⁷³ The fall of Castleisland signalled the end of Desmond's revolt,³⁷⁴ though Desmond himself avoided capture and remained free among his Irish allies, probably staying with the Mic Charthaigh Mór or one of cadet branches of the Mic Charthaigh.

In the wake of this campaign, Ufford took draconian measures against not just those who had supported Maurice fitz Thomas and those who had failed to come to the general summons, but also those who had stood as mainpernors for Desmond in 1333 - even those who had ridden with Ufford against Desmond.³⁷⁵ It appears that most, if not all, the major lineages of Munster and its surroundings were also called on to give hostages for their good behaviour - even those who had sided with the justiciar.³⁷⁶ Those who had ignored the summons or had been unable to join the justiciar were fined according to their rank.³⁷⁷ Some of those who had sided with Desmond forfeited their lands - certainly those who were executed, such as Eustace le Poer and John Coterell - as did those who had stood as Desmond's mainpernors in 1333. The forfeitures were eventually reversed. Those mainpernors who had fought against Desmond were pardoned in 1348³⁷⁸ but others were not fully restored until 1355,³⁷⁹ after even Desmond had been restored.

The earl of Kildare was also in Ufford's custody by the end of the campaign. In August 1345, Ufford had used entrapment to manufacture a reason for his arrest. Ufford sent one of his men to the earl of Kildare with two writs; one ordering Kildare to join the king and the other ordering his arrest. The messenger then convinced Kildare to go to Dublin to speak with the council. Now guilty of disobeying the justiciar, Kildare was

³⁷³ *St. Mary's Abbey*, ii, pp. 385-7; *Grace*, p. 137; *Calendar of the Gormanston Register*, J. Mills and M.J. McEnery (eds) (Dublin, 1916) pp. 188-9.

³⁷⁴ Ufford's itinerary and the composition of his army are both discussed by Frame and Sayles (Frame, 'Ufford', pp. 29-33, 42-7; Sayles, 'The rebellious first earl', pp. 221-2).

³⁷⁵ PRO E 101/241/14, 17-18, 20; PRO E 101/242/1, 7, 12; PRO E 101/243/1-2; NAI M 2649, p. 91-5; NLI GO MS 191, pp. 295-312; Frame, 'Ufford', pp. 33-5.

³⁷⁶ Frame, 'Ufford', pp. 34-5.

³⁷⁷ PRO E 101/241/14, 17-18, 20; PRO E 101/242/1, 7, 12; PRO E 101/243/1-2; NAI M 2649, p. 91-5; Frame, 'Ufford', pp. 33-5.

³⁷⁸ *CPR, 1348-50*, pp. 19-20, 23, 129.

³⁷⁹ *CPR, 1354-8*, p. 265; *Foedera*, III, i, p. 306.

arrested before the council.³⁸⁰ Unfortunately this deception has greatly obscured the real reason for the arrest but it seems likely that Ufford believed or at least feared that he might support Desmond either politically or militarily, though the former is more likely than the latter. In part, Ufford's fears may have been due to efforts by Maurice fitz Thomas to secure a marriage alliance to the earl of Kildare.³⁸¹ In 1347, he was pardoned by the king and restored but without his liberty of Kildare.³⁸²

Ufford had taken Desmond's lands into the king's hands as he progressed across Munster. Custodies of some of these lands were granted to local gentry but most were administered by royal receivers - hardly surprising considering Ufford's efforts to restore greater royal authority. However, he would also have had little option. Custody of Desmond's forfeited lands could not have been granted to a single individual. Even if Ufford had wished to do so there was no one of sufficient stature and power capable of taking on the task: the earl of Ormond was a minor and the earl of Kildare was imprisoned. However, the 1345 grants of custodies do show the one class which avoided Ufford's draconian reprisal on Munster: those who had joined Desmond but abandoned his cause before the fall of Castleisland. John fitz Nicholas lord of Kerry, who had been in Desmond's army at least until 19 July 1345, was granted custody of a cantred in Kerry and Thomas fitz Gilbert, also still present in July, was named the constable of Castleisland at the time of its capture.³⁸³ In May 1346, the whole of the Desmond forfeiture was reserved to the king's chamber and William Burton was named as the steward.³⁸⁴ A further grant in August made John Morice, a former justiciar, the seneschal of most of the Desmond forfeiture in Tipperary and Waterford,³⁸⁵ but these lands were being accounted for by royal receivers during the later 1340s.³⁸⁶

³⁸⁰ *St. Mary's Abbey*, ii, p. 386; *Grace*, p. 137; Frame, 'Ufford', pp. 30-1, n. 141; NAI RC 8/23, pp. 109-10).

³⁸¹ *Papal Registers: Letters*, iii, p. 165; Frame, *English Lordship*, pp. 269-70.

³⁸² See Frame, *English Lordship*, pp. 281-3 for the details of his 'rehabilitation' and restoration.

³⁸³ *Leg. Proc.*, pp. 26-7, 46; PRO E 101/241/12; *IEP*, p. 419; Frame, *English Lordship*, p. 287.

³⁸⁴ *CFR*, 1337-47, p. 471. Though it came a month after his death, it may be this, the revocation of grants of custody, which led the Dublin annalist to claim Ufford revoked grants he himself had made (*St. Mary's Abbey*, ii, p. 387; Frame, 'Ufford', pp. 35-6).

³⁸⁵ *RCH*, p. 52, no. 32.

³⁸⁶ PRO E 101/241/14, 17-18, 20; Frame, *English Lordship*, p. 288.

On 9 April 1346, Ralph Ufford died. The Dublin annalist has left little question as to his opinion of Ufford; 'on Palm Sunday, Ralph Ufford, justiciar, died to the greatest public joy and applause of all men'.³⁸⁷ The Dublin annals go on to tell of Ufford's widow being jeered as she left Ireland and even linked Ufford's death to an improvement in the weather.³⁸⁸ Clyn, on the other hand, gives no epitaph and merely states that Ufford died and his body was transported to England for burial.³⁸⁹ The negative view of Ufford put forward by the Dublin annals has been largely dismissed by recent historians: the general assumption is that this view was due to the annalist's pro-Desmond slant. However, it seems likely that a number of the Anglo-Irish, particularly the magnates, would have taken a dim view of Ufford's attempts to impose a level of royal control which had not been exercised in Ireland for some time, if ever. Ufford's efforts to reform the lordship of Ireland and strengthen the government were undoubtedly welcomed by some, but it is unlikely that those who had taken liberties at the expense of the king's government would have seen the return of strong government as positive.

Rehabilitation and Restoration

Desmond, despite being 'among the Irish', was by no means 'in the wilderness', rather he was in contact with his relatives and allies in court. Following the collapse of his position in Ireland, Maurice fitz Thomas called on his contacts in England and appealed to the crown; beginning the long climb towards restoration. However, the Dublin government launched a campaign to prevent or at least delay his restoration.

Late in July, Thomas and Maurice Berkeley and Reginald Cobham obtained permission and protection for Maurice fitz Thomas, his wife, and two of his sons to travel to England.³⁹⁰ Edward III was clearly not impervious to Desmond's claims of persecution by the Dublin government (at least not when they were repeated to him by a prominent member of his court), hence he was allowed to bypass the new justiciar. The

³⁸⁷ *Grace*, p. 141; *St. Mary's Abbey*, ii, p. 388.

³⁸⁸ *St. Mary's Abbey*, ii, p. 388; *Grace*, p. 141.

³⁸⁹ *Clyn*, p. 32.

³⁹⁰ *CCR*, 1346-9, p. 140. The Berkeleys were his mother's family and Reginald Cobham was Maurice Berkeley's brother-in-law (Frame, *English Lordship*, p. 284).

king, along with Maurice Berkeley and Reginald Cobham, departed for France³⁹¹ and Desmond sailed for England from Youghal on 13 September 1346.³⁹² A 1346 jury claimed that he incited Mac Carthaigh, Mac Dairmait, and Ó Conchobair Ciarraige-Luachra to remain at war until he returned.³⁹³ The Dublin ministers quickly dispatched a brief letter to England and John Morice and John Troy went to Calais.³⁹⁴ They no doubt hoped to counteract the influence of Maurice Berkeley but also to ask the council to agree to delay pardoning and restoring men indicted of treason and felony in Ireland until the Dublin government had informed them of the details of the case.³⁹⁵

Edward III spent the next year in France and Desmond probably spent it in Berkeley castle. He was certainly there in November 1347 when two of the king's serjeants-at-arms were sent to interview him.³⁹⁶ During the course of the next year his status altered drastically; probably due to the acquisition of new allies through the Berkeleys. He was brought to London early in 1348 and was probably involved in the discussion of affairs in Ireland which took place in Westminster both in Parliament and without in January 1348.³⁹⁷

On 18 February, William Trussel of Cublesdon was ordered to release Maurice fitz Thomas to Richard Talbot by mainprise of Ralph, Baron of Stafford, Thomas Berkeley, Richard Talbot, and Reginald Cobham with the stipulation that they would deliver him to the king within eight days of receiving a summons.³⁹⁸ Desmond's new allies, presumably gained with the aid of the Berkeleys, were men of influence at the court: Ralph, baron of Stafford (soon to be earl of Stafford) was the steward of king's household from 1341 to 1345 and he may have been part of group who had captured

³⁹¹ PRO C 76/22, m. 32; C 76/23, m. 3; Frame, *English Lordship*, p. 285, n. 85.

³⁹² *St. Mary's Abbey*, ii, p. 389.

³⁹³ *Leg. Proc.*, p. 22.

³⁹⁴ J.F. Baldwin, *The King's Council in England during the Middle Ages* (Oxford, 1913) pp. 484-5; Frame, *English Lordship*, p. 285. *RCH*, p. 51, no 35; p. 52, no. 72-4; PRO E 101/241/12; *Doc. Aff.*, pp. 187-9, nos. 212-13.

³⁹⁵ PRO SC 8/238/11900; *Doc. Aff.*, pp. 188-9, no. 213; Frame, *English Lordship*, p. 286.

³⁹⁶ PRO E 403/340, m. 16; Frame, *English Lordship*, p. 289.

³⁹⁷ Frame, *English Lordship*, p. 290.

³⁹⁸ *CCR*, 1346-9, p. 494.

Mortimer in 1330 and Richard Talbot was steward of king's household at the time.³⁹⁹ Both men also held lands in Ireland and no doubt viewed having connections with an Anglo-Irish earl (particularly one in their debt) as potentially useful.

Throughout 1348 Desmond looks increasingly less like a prisoner on trial for treason; references to him cease to mention treason, the king repeatedly granted him money for his upkeep, and he attended the wedding of one of the king's daughters.⁴⁰⁰ By August 1348, Desmond seems to have been well on his way to recovering his lands. The king ordered the Dublin government to give seisin of Desmond's lands to two of his mainpernors, Ralph Stafford and Richard Talbot. Even more telling is that they made Stephen Lawless their attorney in Ireland.⁴⁰¹

In two grants, one dated 7 August and the other 2 September 1348, Edward granted custody of the lordship to Maurice fitz Thomas's new allies at the English court, Ralph Stafford, baron of Stafford and Richard Talbot, for 800 marks a year, but they were to retain 20 shillings a day for the support of Maurice and his family. The second writ varies mainly in that it clarifies that the grant includes all the castles, manors, lands, serjeancies, and liberties excepting the chief serjeancy of Cork which Edward had granted to Thomas Suthewell in July 1348.⁴⁰² These writs were followed by further writs to various individuals demanding that the lands and issues since 7 August be handed over to Stafford and Talbot. Walter Bermingham, the justiciar, was sent similar writs on 8 October, 26 November, 18 December 1348, and 4 May 1349.⁴⁰³

It would seem part of the reason for this apparent inability or unwillingness of the Dublin government to turn the lands over to Ralph Stafford and Richard Talbot was that on 23 September they had directed Richard Drayton, a landholder in the lordship of Desmond, and Richard fitz Maurice, the head of a cadet branch of the Desmond

³⁹⁹ Tout, *Chapters*, vi, p. 43; *Handbook of British Chronology*, E.B. Fryde, D.E. Greenway, S. Porter, I. Roy (eds) (London, 1986) p. 76; C. Shenton, 'Edward III and the coup of 1330', Bothwell (ed.) *The age of Edward III* (Suffolk, 2001) p. 18, n. 37.

⁴⁰⁰ PRO E 403/340, m. 35; PRO E 403/342, mm. 6, 13, 27; PRO E 403/345, m. 19; PRO E 403/347, m. 16; PRO E 403/350, m. 4; Frame, *English Lordship*, p. 289.

⁴⁰¹ *CPR, 1348-50*, p. 140.

⁴⁰² *CFR, 1347-56*, p. 93; *CPR, 1345-8*, pp. 121, 144.

⁴⁰³ *CPR, 1345-8*, p. 246; *CPR, 1348-50*, pp. 320-1; *CCR, 1346-9*, pp. 576, 611.

Geraldines, to collect the rents and issues of the lordship.⁴⁰⁴ On 8 December 1348, Edward sent a writ to Drayton and fitz Maurice ordering them to turn the lordship of Desmond and its issues since 7 August over to Stafford and Talbot, again without results.⁴⁰⁵ Edward's irritation with his ministers' sluggish response to these writs is apparent in the increasingly harsh wording of the documents. The repeated efforts by the Dublin government to convince Edward not to restore Maurice fitz Thomas make it appear unlikely that this was just a bureaucratic problem.⁴⁰⁶

Finally, on 4 May 1349, Edward ordered Maurice Rocheford, bishop of Limerick, William Bishop, and Robert Mounceux and Thomas Duraunt, the king's sergeants at arms, to turn the lordship of Desmond over to Ralph Stafford and Richard Talbot and report the names of anyone who attempted to prevent them directly to the chancery in England.⁴⁰⁷ On 8 May 1349 another writ was sent commanding the tenants of the lordship to obey Stafford and Talbot.⁴⁰⁸ The Anglo-Irish ministers who had been resisting these writs finally bowed to the inevitable and carried out the king's orders but this was only the beginning of the resistance Desmond faced in re-establishing himself in south-western Ireland even after receiving a pardon from the king on 28 November 1349.

The terms of the pardon were generous; Desmond was granted back all of his lands and liberties and even the issues of his lands since 1345 when they were seized by the crown.⁴⁰⁹ Edward even addressed the mistrust Desmond felt for the Dublin government by ordering that Desmond could not 'be arrested or forfeited by the Dublin government except at the king's express command'.⁴¹⁰ This was reinforced in September 1351 by a further command stating that Desmond could only be arrested with a mandate from the king.⁴¹¹ In fact, he suffered only one serious territorial loss from this rebellion; the lands of the Clare inheritance finally passed to the co-heiresses

⁴⁰⁴ O'Brien, 'Territorial ambitions', p. 75.

⁴⁰⁵ *CCR*, 1346-9, p. 579.

⁴⁰⁶ Frame, *English Lordship*, pp. 284-6.

⁴⁰⁷ *CCR*, 1349-54, p. 24.

⁴⁰⁸ *CCR*, 1349-54, p. 24.

⁴⁰⁹ See Frame, *English Lordship*, pp. 262-94 for an extensive discussion of this period.

⁴¹⁰ *CPR*, 1348-50, p. 434; *Doc. Aff.*, p. 203, no. 220; Frame, *English Lordship*, pp. 291-2.

⁴¹¹ *CPR*, 1350-4, p. 134.

of Giles Badlesmere. Edward III also included several safeguards. First, two of Maurice fitz Thomas's sons, probably Maurice and Nicholas,⁴¹² were required to remain in England as hostages for his good behaviour. Second, the pardon was conditional on his good behaviour: it would be revoked if Desmond was to commit treason.⁴¹³ Historians have often insinuated that Desmond got off lightly, but his pardon was entirely dependant on his own good behaviour: he had been fully restored to his earldom but, in fact, it was at the king's pleasure. There can be little doubt that during his years in England the precariousness of his situation had been impressed upon him and he was fully aware that to resume his private wars or other troublesome behaviour, would lead to forfeiture and quite probably execution.

Edward III also seems to have sought to give Maurice fitz Thomas the English connections he had largely lacked up to this point. Shortly after receiving his pardon, Desmond assigned Thomas Crossydalle and John Cappog as his attorneys in Ireland and received letters of protection for his lands in Ireland during his continuing stay in England.⁴¹⁴ The details of this prolonged stay in England are sketchy, but one particularly important event took place: Desmond and Ralph Stafford arranged the marriage of Desmond's eldest son Maurice to Stafford's daughter Beatrice. Stafford paid £1000 for the marriage and, in return, Beatrice was promised a £200 jointure.⁴¹⁵ Shortly thereafter, Stafford demised his lands in Kilkenny to the first earl of Desmond.⁴¹⁶ One of Desmond's difficulties throughout his career was his lack of royal connections. Where other Anglo-Irish magnates were able to call on blood-ties to the crown or close friends at court when they faced difficulties, Maurice fitz Thomas had only his mother's family - this marriage to one of Edward III's 'new men' remedied that shortcoming and tied the earls of Desmond more securely to court.

⁴¹² See above, pp. 81-2.

⁴¹³ *CPR, 1348-50*, p. 434. See above, p. 63.

⁴¹⁴ *CPR, 1348-50*, p. 432; *NAI RC 8/25*, p. 120; *NAI RC 8/25*, pp. 119-20.

⁴¹⁵ K.B. McFarlane, *The Nobility of Later Medieval England* (Oxford, 1973) p. 85; M. Keen, *English Society in the Later Middle Ages 1348-1500* (London, 1990) pp. 179-80.

⁴¹⁶ *RCH*, p. 69, no. 56.

Desmond remained in England until May 1350 when he returned to Ireland 'in the king's service' and restored to the king's favour.⁴¹⁷ Before leaving England, he appointed John Cappog⁴¹⁸ and Martin Russel as his attorneys to look after his affairs in England and obtained a letter of protection.⁴¹⁹ Walter Mandeville was also pardoned on the same day as Desmond's letter of protection was issued so it seems likely that Desmond's business at court was not limited to his own concerns but to the restoration of his loyal tenants as well.⁴²⁰

Upon his return to Ireland, it becomes clear that his pardon was also not complete and he remained reliant on royal favour. Desmond was pardoned of the charges of treason but he was still outlawed in much of western Munster. He first had to request protection from the king until he could find a way to have the sentence lifted.⁴²¹ His attorney, Richard of Frisby, whom Sayles describes as 'one of the most prominent attorneys of the day', was able to find an irregularity in his sentence of outlawry giving the courts grounds to lift the sentence.⁴²² Far from a great legal achievement, this victory in court was at the king's orders. The legal forms were adhered to, but the results were a forgone conclusion.⁴²³

This left the earl at a temporary disadvantage in the courts, but little advantage seems to have been taken of this. Information survives for only one court case around this time. In August 1351 a case began concerning Kilsheelan, Clonmel, and Kilfeakle - Desmond's landholdings in Tipperary - which both Desmond and the king believed were held *in capite*, but which James Butler earl of Ormond, who had just proved his age,⁴²⁴ claimed as part of his liberty of Tipperary. This case did not proceed until well after the sentence of outlawry was lifted, and the verdict was in Desmond's favour.⁴²⁵ This case was almost certainly a very civil squabble over land rights and not a backlash

⁴¹⁷ *CPR, 1348-50*, p. 502.

⁴¹⁸ Koppok in the document.

⁴¹⁹ *CPR, 1348-50*, pp. 511, 502.

⁴²⁰ *CPR, 1348-50*, p. 508.

⁴²¹ *Doc. Aff.*, p. 203, no. 220; *CPR, 1350-4*, p. 134.

⁴²² Sayles, 'The rebellious first earl', pp. 224-5.

⁴²³ PRO KB 27/364/18 m. 7d; *Doc. Aff.*, p. 280, no. 297 (xiii); Sayles, 'The rebellious first earl', pp. 224-5; *Leg. Proc.*, pp. 46-7.

⁴²⁴ *COD*, ii, p. 4, no. 8.

from the dispute over the custody of Ormond during James Butler's minority as Eleanor, countess of Ormond - James's mother and Desmond's former opponent for the custody - named Desmond, along with her son James, as her attorney in Ireland in September 1351.⁴²⁶

Desmond also faced difficulties in collecting the profits of his lordship for the period it was in the king's hands. In March, July, and August 1351, the king issued commissions of oyer and terminer to determine who owed him money as well as to discover who was responsible for robbing and damaging the earl's lands while they were in the king's hands.⁴²⁷ These problems were probably largely responsible for his financial difficulties during the 1350s, difficulties which the crown eased by granting him year-long respites from his debts in September 1351,⁴²⁸ October 1352,⁴²⁹ and December 1353.⁴³⁰ In May 1350 Desmond also acknowledged that a substantial debt (£100) which he owed to Stephen Whitlesford should be levied from his lands and possessions.⁴³¹ Strangely enough, in May 1352 he was also a creditor; the English judge William Sharesull of Oxford owed him £20.⁴³² Aside from these respites, the king acted to restore Desmond's financial state in other ways as well. Desmond received custody of the substantial temporalities of the bishopric of Limerick in July 1353 after the death of the bishop, Maurice Rocheford.⁴³³ He held them until 1354 when his ally Stephen Lawless became the bishop of Limerick and received the temporalities of the bishopric.⁴³⁴ In 1355, he received the grant of a fair and market for Newtown in Olethan, Co. Cork.⁴³⁵

⁴²⁵ *COD*, ii, pp. 376-7; *CPR*, 1354-60, pp. 7-8; Frame, *English Lordship*, p. 298, n. 12; *CCR*, 1349-54, p. 319; *CCR*, 1354-60, p. 7; *RCH*, p. 69, no. 67. See Chap. 3, p. 171.

⁴²⁶ *CPR*, 1350-4, p. 147.

⁴²⁷ *CPR*, 1350-4, pp. 84, 161, 164.

⁴²⁸ *CPR*, 1350-4, p. 136; *NAI RC* 8/25, p. 336.

⁴²⁹ *CPR*, 1350-4, p. 357.

⁴³⁰ *CPR*, 1350-4, p. 529.

⁴³¹ *CCR*, 1349-54, p. 221.

⁴³² *CCR*, 1349-54, p. 483.

⁴³³ *CFR*, 1347-56, p. 368. There is an error in the calendar here: Lismore should read Limerick. The Bishop of Lismore, John Leynagh, lived until December 1354 whereas the Bishop of Limerick, Maurice Rochford, the Maurice mentioned in the document, died in June 1353.

⁴³⁴ *NHI*, ix, p. 302.

⁴³⁵ *RCH*, p. 58, no. 160.

In May 1355 Desmond again made plans to travel to England. He appointed William Cogan, William Lawless, Thomas le Joesne, and David Fox as his attorneys in Ireland and obtained letters of protection 'during pleasure'.⁴³⁶ Similar letters were again sent to the justiciar and the chancellor of Ireland, the treasurer and the barons of exchequer of Dublin, and numerous other ministers and men in Ireland in mid-July.⁴³⁷ It seems the king was also doing his homework for this meeting: at the beginning of May the Dublin exchequer was ordered to send a complete list of Desmond's 'amerciements, debts and accounts and arrears on accounts'.⁴³⁸ The reason for this visit was to set the terms and conditions of his justiciarship. On 8 July a writ was sent to various ministers announcing Desmond would be justiciar.⁴³⁹ Two days later Desmond's terms of service were recorded: he was to receive £500 *per annum* paid in advance every quarter.⁴⁴⁰

One factor in his appointment may have been the issue of governmental abuse. Maurice fitz Thomas's continued difficulties with the Dublin government and his general distrust of Dublin ministers probably led to his appointment during the 1340s to a commission to investigate accusations of 'extortions and oppressions made by the king's ministers in Ireland'.⁴⁴¹ His appointment as justiciar may have been for similar reasons. His conflict with Ufford and the Dublin government made him an ideal figure to quell complaints about ministerial oppression. However, the most important factor was undoubtedly royal favour. From his restoration in 1350 until his death Maurice fitz Thomas received considerable proof of his standing at court. His appointment as justiciar was the pinnacle of this royal favour and no doubt his English allies, particularly Ralph, earl of Stafford, were responsible for obtaining his appointment.

Desmond acted in the post from his return to Ireland, 17 August 1355 until 25 January 1356 when he died in office,⁴⁴² though it seems the earl of Kildare, unaware of

⁴³⁶ *CPR, 1354-8*, pp. 218, 221.

⁴³⁷ *CPR, 1354-8*, p. 221.

⁴³⁸ NAI RC 8/25, p. 709.

⁴³⁹ *CPR, 1354-8*, p. 266.

⁴⁴⁰ *CPR, 1354-8*, p. 267.

⁴⁴¹ C 81/297/16149; 'C 81', *AH*, 36 (1995) p. 154.

⁴⁴² E 101/243/8; *IEP*, p. 466; *St. Mary's Abbey*, ii, p. 392; *NHI*, ix, p. 473; *Admin. Ire.*, p. 88.

Desmond's arrival, continued to act as justiciar for several days after his return.⁴⁴³ There is only limited information concerning his actions during this period. No parliaments were held during his brief term of office rather his time seems to have been taken up with judicial matters and the defence of the lordship. A portion of his itinerary can be gleaned from the locations where the justiciar's bench held pleas during his term of office. The justiciar's bench spent most of this period in Tipperary but it would be dangerous to draw conclusions from this fact, as his term of office was cut short by his death. He also received an order to inquire into events on the lands of the earl of March in December 1355⁴⁴⁴ but probably did not survive long enough to carry out this investigation.

Sessions held before the Justiciar's Bench⁴⁴⁵

1355	Sept.	15-16	Ross, Co. Wexford
		30	Thurles, Co. Tipperary
	Oct.	13,14, 20	Cashel, Co. Tipperary
		31	Clonmel, Co. Tipperary
	Nov.	28	Kilkenny, Co. Kilkenny
1356	Jan.	11	Dublin, Co. Dublin

Like all the justiciars of the 1350s, his main concern was the Leinster Irish who were perpetually at war at this time.⁴⁴⁶ He was carrying on his predecessor, Thomas Rokeby's extensive castle building in the Leinster march,⁴⁴⁷ as well as planning a campaign against the Leinster Irish.⁴⁴⁸ In November 1355 he had appointed John Hele as the paymaster for his planned expedition,⁴⁴⁹ a grant which the king confirmed in February,⁴⁵⁰ but Maurice fitz Thomas died before this campaign could begin.

⁴⁴³ This accounts for the discrepancy between when Desmond took office (17 Aug.) and when Kildare left office (21 Aug). Kildare held pleas until 20 Aug., but was said to have acted as justiciar for 5 days after Desmond's arrival making it 21 Aug. when he stepped down rather than 20 Aug. which is the date often given (*NHI*, ix, p. 473; *Admin. Ire.*, p. 88; *IEP*, p. 472).

⁴⁴⁴ *CPR*, 1354-8, p. 321.

⁴⁴⁵ After P.M. Connolly, 'Pleas held before the chief governors of Ireland, 1308-76', *The Irish Jurist*, 18 (1983) p. 127.

⁴⁴⁶ Frame, *English Lordship*, pp. 310-25; See, for example, the earl of Kildare's service in the Leinster marches at this time (NAI RC 8/27, pp. 179-82).

⁴⁴⁷ R.F. Frame, 'Thomas Rokeby, Sheriff of Yorkshire, justiciar of Ireland', *Peritia*, 10 (1996) p. 292; Otway-Ruthven, 'Rokeby', *JRSAL*, 97 (1967) p. 52.

⁴⁴⁸ Otway-Ruthven, 'Rokeby', p. 53; RC 8/27 pp. 179-82.

⁴⁴⁹ *CPR*, 1354-8, p. 344.

⁴⁵⁰ *CPR*, 1354-8, p. 344.

He died on 25 January 1356.⁴⁵¹ His *obit* in the Dublin Annals was hardly that of a rebel: 'He was a good man and just, who hanged even his own relations for theft, and well chastised the Irish.'⁴⁵²

The career of Maurice fitz Thomas was not as unusual as many historians would have us believe. His feuds were hardly atypical of Anglo-Irish magnate society: much of Anglo-Irish magnate society was involved. His attempt to organize a unified response against Ufford at Callan in 1345 was an echo of 1341 when the Anglo-Irish had faced down the crown and its ministers on very similar issues. Much of the extortion, use of felons, and other charges levelled against Desmond were also nothing unusual - in England or Ireland.⁴⁵³ Even his intention to seize the justiciar and his travelling companions in 1331 was not a new idea.⁴⁵⁴

Perhaps the greatest difference was that Desmond only learned the limits of how far he could push in the final years of his career, probably due to his experience in 1329. The earls of Ormond and Ulster had both been heavily involved in the feuds of the 1320s which had done so much damage to the southwest, but both withdrew their involvement in time to avoid punishment. As a powerful baron (in authority if not in name), Maurice fitz Thomas, like his ancestors, had flexed his power and authority to good effect. In 1329, his willingness to use all means at his command to advance his goals had paid off; he gained land, offices, more authority and a title. It should not then be surprising to find that he carried on in the same vein when those gains were threatened the following year. But in 1330 his actions were even less acceptable due to his increased rank. An earl needed to show greater tact in his criminous behaviour than a baron because of his increased status: an earl on a rampage was, generally speaking, a greater threat to the king's peace than a baron (though it must be admitted that certain barons showed the ability to make up for what they lacked in status with their zeal).⁴⁵⁵ His reliance on these methods was further encouraged by his lack of court connections

⁴⁵¹ *AC*, 1355.2; *ALC*, ii, 1355; *St. Mary's Abbey*, ii, p. 392; *Grace*, p. 145.

⁴⁵² *St. Mary's Abbey*, ii, p. 392; *Grace*, p. 145.

⁴⁵³ See Hanawalt, 'Fur-collar crime'.

⁴⁵⁴ See above, p. 59; intro, p. 11.

at the time; the Berkeleys were his only close link to the crown and with the fall of Mortimer they had their hands full looking after their own interests.

James Butler was created earl of Ormond just a year before Maurice fitz Thomas was created earl of Desmond and under very similar conditions. However, James proved more adept at acting in his new role. He returned to Ireland and, to all appearances, withdrew from the private war still raging in Munster. More importantly, when faced with the 1330 resumptions, Butler reacted by petitioning the king for redress. But, as has been discussed above, Butler had the connections in England that Desmond lacked.⁴⁵⁶ It seems likely that this was the determining factor which kept him in line where Desmond stepped into trouble.

Following the forfeiture which resulted from this misjudgement and his pardon in 1333, Desmond spent ten years more or less well behaved. He only reverted to his past methods when one justiciar unceremoniously removed him from the lordship of Inchiquin and another stripped him of the custody of the Ormond lordship seemingly without royal initiative, both of which he had gained through purely legal methods. Even then he showed a greater political savoir-faire; while retreating before the justiciar (whom he never personally engaged) he made contact with the crown to plead his loyalty to the king. However, this time he had raised an army against the justiciar, a move which required punishment regardless of circumstances.

Edward III handled both restorations with considerable care. In the first instance Desmond was shown enough clemency to place him in the crown's debt (a debt paid in campaigns against the Scots and the Leinster Irish) but enough severity to be certain he could not have missed the point. Two years in prison and the loss of the shrievalties of Waterford and Cork was no light punishment. In the second instance, there must be, and must have been, some acknowledgement of provocation.⁴⁵⁷ Desmond's failure to personally engage the justiciar as well as his rapid appeal to the crown cast some doubt

⁴⁵⁵ Take John Molyns for example: Fryde, 'A medieval robber baron', pp. 197-221.

⁴⁵⁶ See above, pp. 58-9.

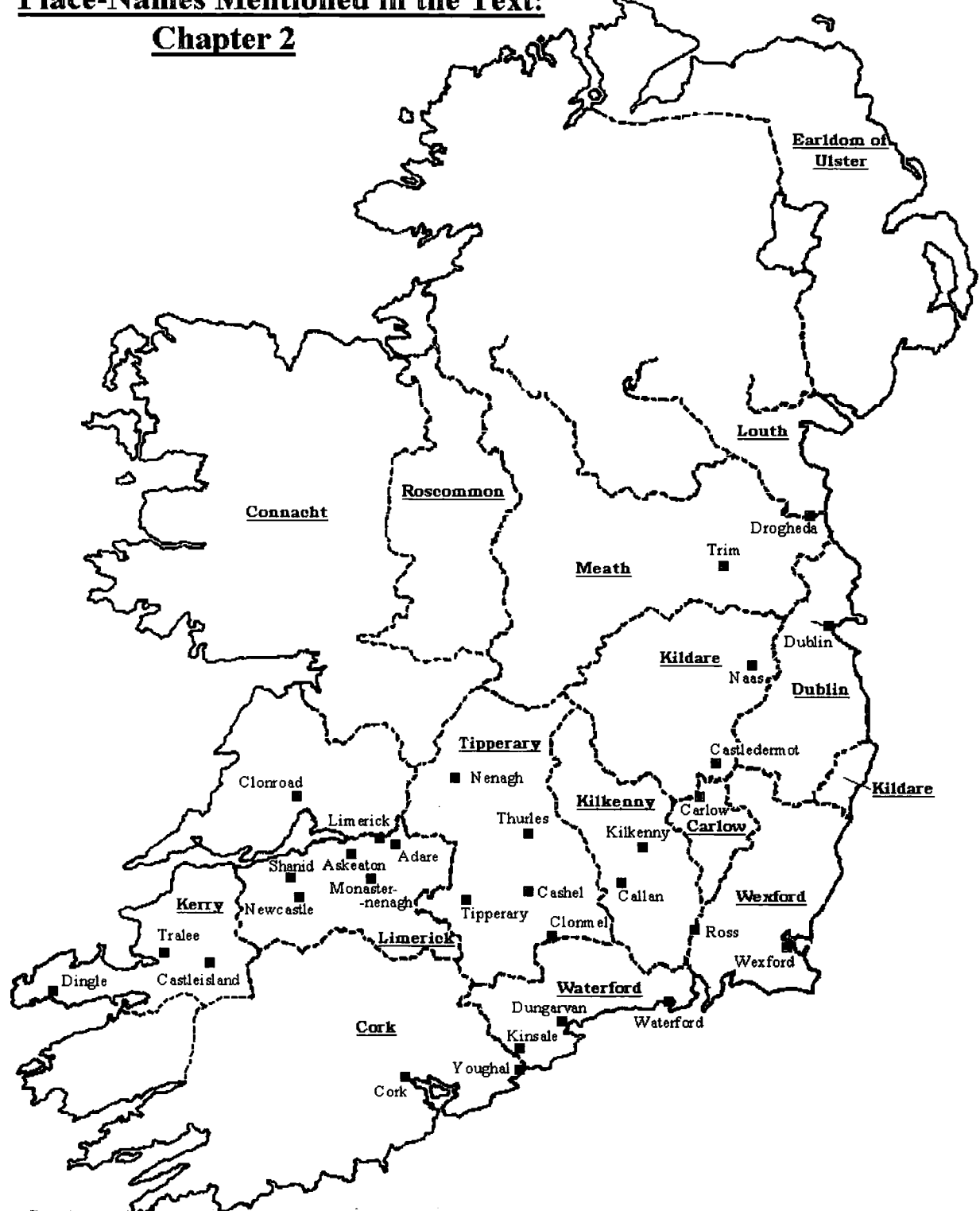
⁴⁵⁷ Even Frame, in an early article on Ralph Ufford which was altogether complimentary, shows some doubt that the blame for the 1345 'rebellion' could be placed squarely on Maurice fitz Thomas's shoulders (Frame, 'Ufford', pp. 28-9). Frame revised his views on Ufford seven years later (Frame, *English Lordship*, pp. 267-75).

on the notion of backsliding - in 1330 Desmond had ignored a summons to England rather than requesting one.⁴⁵⁸ The king's acceptance of Desmond's distrust of the Dublin government also lends support to the notion of provocation. In spite of these factors as well as powerful allies at court Desmond was effectively only restored at the king's pleasure as any further disturbance would lead to the revocation of his pardon.

There can be no doubt that Maurice fitz Thomas, first earl of Desmond abused his position of authority in southwest Munster, quite probably to a greater extent than did the earls of Ormond, Ulster, or Kildare. He was certainly willing to flout royal authority and to use force against royal ministers when he felt threatened. However, much of the evidence seems to suggest that he was not the rabid threat to law and order or the ruthless rebel that some modern historians have described. For most of his career he was a loyal (if far from ideal) servant of the crown; an assessment to which Edward III, by appointing Desmond as justiciar, seems to have shown agreement.

⁴⁵⁸ This must also be seen, in part, as having to do with Desmond's access to court as was mentioned above, but it is still a significant change in tactics.

Chapter 2



Chapter 2

The Second and Third Earls of Desmond

The careers of the second and third earls of Desmond saw new challenges to the lordship of the Desmond Geraldines and new feuds though their careers lacked the hostile relationship with the Dublin government which left such a large mark on the career of the first earl. The second earl's brief career began favourably and would, no doubt, have seen closer ties secured between the earldom and the crown but for his early death. The third earl's career began with no less royal favour but he quickly disappeared from royal service, concentrating instead on dealing with the severe disturbances then troubling Munster, particularly his long-running hostile relationships with the earls of Ormond and the growing threat from the Uí Bhriain of Thomond. This chapter will look first at the brief career of the second earl of Desmond and the difficulties his early death brought to the earldom and then turn to the third earl and his role in fourteenth-century Munster.

The Second Earl, his Death and its Aftermath

Maurice fitz Thomas, the first earl of Desmond died on 25 January 1356.¹ Following his death, one would expect raids on the Desmond estates by the local Irish and general disruption in south-west Munster. In fact there is little indication of any disturbance greater than usual at this time. Most likely the main reason for this smooth transition was that Maurice fitz Maurice, son and heir of Maurice fitz Thomas, was nearly of age when Maurice died and, although he was too young by a year to take up his inheritance, he could take up the leadership role immediately (if he was in Ireland). Secondly, the Mic Charthaigh and the Uí Bhriain, the two major Irish dynasties which bordered on the Desmond lordship, may have been distracted by internal disputes.

¹ E 101/243/8; *IEP*, p. 466; *St. Mary's Abbey*, ii, p. 392; *NHI*, ix, p. 473; *Admin. Ire.*, p. 88.

Maurice fitz Maurice was born on 31 July 1336 at Newcastle.² He spent a portion of his childhood in England; when Desmond crossed over to England in July 1346, Maurice was with him and remained there as a hostage for his father's good behaviour following his father's return to Ireland.³ He was married to Beatrice, daughter of the earl of Stafford, probably soon after the agreement was made between Desmond and Stafford 20 April 1350.⁴ Following this agreement, or perhaps even as part of it, Stafford demised his lands in Kilkenny to the first earl of Desmond.⁵ Then in 1355, Maurice fitz Maurice seems to have gone to France in the king's service.⁶ It is unclear when he returned to Ireland.

When his father died, Maurice fitz Maurice must have acted quickly; within three weeks John, archbishop of Dublin and chancellor of Ireland, was sent an order to make an extent of the first earl of Desmond's lands and debts, and to turn them over to his heir *who had already requested them*.⁷ A later document reveals that Ralph, earl of Stafford was acting as mainpernor, guaranteeing that Maurice would account at the exchequer for the lands until his minority ended.⁸ The seeming speed and ease with which Maurice was able to gain control of his lands is probably the result of several factors. First and foremost was, as the grant specified, the first earl's good service during the final years of his life. As was shown in 1355 when Maurice fitz Thomas became justiciar, and repeatedly thereafter, the first earl had cemented his relationship with the king after his restoration in 1349 and his sons profited from this. A second reason might be that the king was inclined to trust Maurice fitz Maurice because of the years he spent in England as well as his close connection to the Staffords. A third reason was that the Dublin government's previous attempts to administer the earldom of

² CIPM, x, pp. 325-6; *Pipe Roll of Cloyne*, p. 198.

³ *St. Mary's Abbey*, ii, p. 386; *Grace*, p. 141; *CPR*, 1348-50, p. 434.

⁴ K.B. McFarlane, *The Nobility of Later Medieval England* (Oxford, 1973) p. 85; M. Keen, *English Society in the Later Middle Ages 1348-1500* (London, 1990) pp. 179-80.

⁵ *RCH*, p. 69, no. 56.

⁶ PRO E 403/378, mm. 1, 3; Frame, *English Lordship*, p. 297; 'A poem by Gofraidh Fionn Ó Dálaigh', O. Bergin (ed.) in Quiggin (ed) *Essays and Studies presented to William Ridgeway* (Cambridge, 1913) pp. 325, 328.

⁷ *CCR*, 1354-60, pp. 248, 251.

Desmond or even to grant the custody at an annual rent had failed to bring a profit.⁹ If further proof of this was needed, it came during this brief period of royal control. It would seem that Maurice might not have actually received seisin of his lands until July 1356 and during this period of royal control £6000 worth of robbery and damages were said to have occurred. David de la Roche (the husband of Maurice fitz Maurice's sister), Adam Loundres, John Cappog, and Robert Lenfant were commissioned to investigate the robberies but their findings have not survived.¹⁰

Along with the lordship of Desmond and the liberty of Kerry, Maurice also inherited his father's substantial debts to the crown - more than £3500 - but he was granted respites for these debts continuously throughout his very brief career.¹¹ He also received a pardon of 2300 marks of the debt because Maurice fitz Thomas paid this amount for custody of the lands and heir of the earl of Ormond but the justiciar at the time had seized this custody.¹²

Maurice may also have received a respite from Gaelic attacks during his brief career. The Uí Bhriain and the Mic Charthaigh both seem to have faced internal dissent and upheaval, forcing them to focus inward rather than on the vulnerability of the earldom of Desmond (though the £6000 worth of robbery and damages might represent Irish raids on Desmond estates). In 1356, Diarmait 'Mac Dermot' Mac Carthaigh and his son, Donnchad, were slain by their erstwhile allies the Uí Shuillebhain (O'Sullivans);¹³ Donnchad Mac Conmara (Mac Namara), son of the head of the Mic Conmara, was slain by their former allies the Uí Bhriain;¹⁴ and in 1358, Cormac Mac Carthaigh, the king of Desmond, died.¹⁵

⁸ *CCR*, 1354-60, p. 251.

⁹ Frame, *English Lordship*, p. 288.

¹⁰ *CPR*, 1354-8, p. 449; *CPR*, 1358-61, p. 75.

¹¹ *CPR*, 1354-8, pp. 86, 146, 345, 449, 562, 625; *CCR*, 1354-60, pp. 248, 251; NAI RC 8/27, pp. 250-2, 269-75.

¹² NAI RC 8/27, pp. 250-2, 274-5; *CPR*, 1354-8, p. 412. As was discussed above, Maurice fitz Thomas may have paid only 2000 marks, 500 of which had never reached the king having been lost at sea, but Maurice was pardoned the full amount (see Chap. 1, p. 77).

¹³ *ALC*, ii, 1356, *AFM*, iii, 1356.

¹⁴ *AFM*, iii, 1356.

¹⁵ *AU*, ii, 1359.



Maurice fitz Maurice was finally able to prove his age in 1357 and paid a fine of £20 to have the liberty of Kerry as his father held it.¹⁶ He seems to have contacted the pope in that year as well, as early in 1358 he was given permission to choose a confessor to grant him plenary remission at the hour of death.¹⁷ According to the *Annals of Connacht*, Maurice drowned while crossing the sea in 1357.¹⁸ However, other evidence suggests Maurice died in 1358: on 10 March 1358, the Dublin government ordered the escheator to turn Maurice fitz Thomas's lands over to Maurice fitz Maurice, his heir. This is also supported by the actions of the earl of Stafford. He made no effort to secure either his daughter's jointure or custody of the lordship until the summer of 1358: Stafford had acted within weeks of Maurice fitz Thomas's death; it seems unlikely he would have waited over half a year when his son-in-law died. Maurice fitz Maurice may, in fact, have died sometime during March 1358: the writ issued on 10 March probably predates his death (or at least the Dublin government's knowledge of his death) but if he died prior to 25 March, by medieval reckoning it would still have been 1357.¹⁹ It is harder to surmise whether he was travelling to or from England. He may have been crossing to England, as Hennessy suggests,²⁰ to do homage for his lordship. It could also be that he was returning to Ireland after doing homage for his lordship as a writ was issued on 16 October 1357 granting him seisin of his lands. However, the writ mentions only that he has proved his age and so may have been issued in response to the August 1357 inquisition into his age.²¹

Because of his short time as earl and the scarcity of source material, little is known of his career. This has led Bergin, in the introduction to a praise poem written for Maurice fitz Maurice, to note that 'Maurice fitz Maurice does not appear to have

¹⁶ NAI M 2652, pp. 102-3; *CIPM*, x, pp. 325-6; *CCR*, 1354-60, p. 378.

¹⁷ *Papal Registers: Letters*, iii, p. 597.

¹⁸ *ALC*, ii, 1357; *AC*, 1357.4; *Grace*, p. 164.

¹⁹ The medieval year was usually perceived as beginning 25 March not 1 January (C.R. Cheney, *Handbook of Dates* (London, 1961) pp. 4-5). The *Annals of Connacht* set out the year as beginning in January but it is possible that the date might have been gleaned from a source using the March start date.

²⁰ *ALC*, ii, p. 16, n. 3.

²¹ *CIPM*, x, pp. 325-6.

accomplished anything to justify the poet's extravagant laudation.'²² Considering the violence which broke out following his death, he may deserve some credit for the lack of disorder which followed his father's death.²³ We also know nothing of his actions in France. However, this violence was not the only danger to the earldom which resulted from his death.

The earldom of Desmond faced a serious threat with the death of Maurice fitz Maurice: one third of the lordship's profits went to the dower of Aveline, the first earl's widow; another significant portion of the lordship was retained by Beatrice the second earl's widow as her jointure; and what remained, less than half of the first earl's lordship, should have gone into the king's hands because Maurice fitz Maurice's heir was his mentally unsound younger brother, Nicholas. For just over a year, the fate of the earldom hung in the air and the two widows worked to secure their dower lands.

Aveline and her attorneys, Walter Preston and Gregory Valle,²⁴ seem to have put a great deal of effort into procuring her dower during the opening months of 1358. In February 1358, following an inquest into lands which had been held jointly by Maurice fitz Thomas and his wife Aveline, Aveline obtained a ruling that the manors of Kilfeacle, Kilsheelan, the vill of Clonmel and the manor of Rathmaceandan should be handed over to her as they were held in jointure. Around the same time she obtained a number of writs detailing her dower which seems to have been a third of each land holding, office and liberty held by the earls of Desmond rather than lands equalling one third of the value of the lordship.²⁵ Just how long this significant drain on the earls' resources continued is not clear. The last certain mention of Aveline in the records is March 1359.²⁶

²² 'A poem by Gofraidh Fionn Ó Dálaigh', Bergin (ed.) p. 321.

²³ *RCH*, p. 72, no. 11.

²⁴ *COD*, ii, p. 33, no. 49.

²⁵ See Chap. 3, p. 177.

²⁶ *RCH*, p. 79, no. 93.

The second earl's widow obtained her dower with little difficulty, undoubtedly due to her father's influence at court.²⁷ Her father also wasted no time in securing a second marriage for her. On 1 January 1359 Beatrice received royal licence to marry Thomas Ros, brother and heir of William Ros who was husband to one of Giles Badlesmere's co-heiresses.²⁸ Beatrice remained in England; an absentee in her Irish lands.²⁹ Her father also took this opportunity to regain his lands in Kilkenny which he had granted to Maurice fitz Thomas. Stafford had demised the lands to Desmond for ten years but only eight had elapsed. The terms of the original grant do not survive, but it seems clear that the lands had been granted to Desmond and his heirs as Maurice fitz Maurice had inherited them, hence it was necessary to gain the king's intervention to recover the lands two years early.³⁰

What was to be done with the rest of the lordship was, however, far more complicated. With Maurice fitz Maurice's death in 1358, Desmond once more came into the king's hands but this time the heir to the earldom was not so clear cut. Maurice fitz Maurice died without a son. The earldom and lordship was held in tail-male, therefore his rightful heir was his brother Nicholas, but it seems Nicholas was mentally unsound. The king had the right to the wardship of the lands of 'natural fools' and a responsibility for their maintenance.³¹ Therefore, the king could exercise his rights and administer the lordship through his agents in Ireland or by granting it out as a custody. However, previous experience had taught the crown that this particular lordship was not well suited to such an arrangement: a strong, resident lord was necessary to collect the profits from the lordship and to deal with the Irish of Cork, Kerry, and Thomond.

²⁷ *RCH*, p. 69, no. 55; *NAI RC 8/27*, p. 302. See Chap. 3, p. 178.

²⁸ *CPR, 1358-61*, p. 143.

²⁹ *RCH*, p. 72, no. 18; *CPR, 1358-61*, p. 58.

³⁰ *RCH*, p. 69, no. 56.

³¹ F. Pollock and F.W. Maitland, *The History of English Law before the time of Edward I*, i, (Cambridge, 1899) p. 481.

Even if the Dublin government had forgotten the lessons from 1331-3 and 1345-9,³² they quickly received a reminder. Another commission was issued to David de la Roche, Adam Loundres, John Cappog,³³ and Robert Lenfant to investigate robberies in Desmond, but this commission, identical to that of 1356, probably does not represent new disturbances.³⁴ This time, however, there is ample evidence of a significant response from both the *Hibernici hostes et Anglici... rebelles* in Munster.³⁵ The summer following Maurice fitz Maurice's death saw considerable violence in southwest Munster. By June, Brian Bán was once again wreaking havoc in Tipperary and Limerick.³⁶ An effort was made to contain him by posting men at two strategic locations along the border,³⁷ but its effectiveness is hard to judge. Cork and Waterford were also suffering from increased raiding,³⁸ probably from the Mic Charthaigh Cairbre (Carbery). The more unrestrained Anglo-Irish were running amok as well: the Barrets and Barrys had broken into open war,³⁹ the Cauntons and the Burghs began raiding in Cork and in Limerick and Tipperary, respectively.⁴⁰ At the start of July the Dublin government turned Maurice fitz Maurice's lands over to his father's third son, Gerald,⁴¹ and granted the power to negotiate with the Irish and Anglo-Irish of Munster to him as well as to Tomás Ó Cormacáin the bishop of Killaloe, David de la Roche, John Rocheford, Thomas fitz John and Walter Mandeville.⁴² Even more so now than in the first earl's career, the peace in Munster could only be maintained by the presence of an earl of Desmond. This grant, however, was only a temporary measure. Some way around the

³² During these periods (when Maurice fitz Thomas's lands were in the king's hands), the crown gained little profit from the lands and had to campaign against the Irish of Munster - conflicts normally handled by Maurice fitz Thomas (see Chap. 1, pp. 64, 87; Chap. 4, pp. 217-28, 230; Frame, *English Lordship*, pp. 287-8).

³³ Keppok in the document.

³⁴ *CPR*, 1354-8, p. 449; *CPR*, 1358-61, p. 75.

³⁵ *RCH*, p. 72, no. 11; A.J. Otway-Ruthven, 'Ireland in the 1350s: Sir Thomas de Rokeby and his successors', *JRSAI*, 97 (1967) p. 55; NAI RC 8/27, p. 405.

³⁶ *RCH*, p. 72, nos. 4, 10.

³⁷ *RCH*, p. 74, nos. 73-4; Otway-Ruthven, 'Rokeby', p. 55.

³⁸ *RCH*, pp. 71-2, no. 1; p. 72, nos. 2, 3, 15; Otway-Ruthven, 'Rokeby', p. 55.

³⁹ *RCH*, p. 69, no. 45; p. 71, no. 106; p. 74, no. 75; Otway-Ruthven, 'Rokeby', p. 55.

⁴⁰ *RCH*, p. 69, nos. 50, 52, 53; Otway-Ruthven, 'Rokeby', p. 55.

⁴¹ *RCH*, p. 72, no. 11; Otway-Ruthven, 'Rokeby', p. 55.

⁴² *RCH*, p. 75, nos. 87-8; Otway-Ruthven, 'Rokeby', p. 55.

inheritance of the earldom by Nicholas would have to be found if order were to be restored in Munster.

In mid-May 1358, the crown had placed the lordship of Desmond in Ralph, earl of Stafford's custody.⁴³ It seems that the Dublin government temporarily superseded or tactfully ignored this writ until Gerald fitz Maurice and the bishop of Killaloe could restore order. On 1 August, the Dublin government enrolled the writ granting the custody of the lordship to Ralph, earl of Stafford.⁴⁴ Either Stafford received custody or Gerald fitz Maurice came to an arrangement with Stafford's attorneys because there is no indication of difficulty. In October, it seems the crown began looking for a long-term solution. At that time the justiciar was ordered to examine Nicholas fitz Maurice. If he was found to be unsound, the lordship was to be placed in the custody of Ralph, earl of Stafford who was to account at the exchequer for all issues above and beyond the maintenance of Nicholas and his servants.⁴⁵

The Third Earl of Desmond

After confirming that Nicholas was unsuitable to inherit the earldom, the crown took nearly a year to reach a decision. In the meantime, the Dublin government accepted Gerald as the *de facto* heir to his father's authority and the head of his lineage. Hence he was summoned to the council held at Waterford in April 1359 and probably the Kilkenny parliament held three months earlier.⁴⁶ In July the crown acted. Not surprisingly, Nicholas was passed over in favour of Gerald fitz Maurice. On 20 July 1359, Gerald fitz Maurice received a grant from the crown of all the castles, lands, and liberties that Maurice fitz Maurice had held for as long as they were in the king's hands. The grant was made 'in consideration of probity, sense, and virtue which flourish in Gerald', the only stipulation being that he pay for the maintenance of Nicholas, his brother.⁴⁷ At the same time, the king gave licence for Gerald to marry Eleanor, the eldest

⁴³ *CFR*, 1356-68, p. 65.

⁴⁴ *RCH*, p. 69, no. 54.

⁴⁵ *CCR*, 1354-60, p. 467.

⁴⁶ *RCH*, p. 77, nos. 21-22.

⁴⁷ *CPR*, 1358-61, p. 246; *CCR*, 1354-60, p. 576.

daughter of James Butler earl of Ormond.⁴⁸ This might have been in compensation for the failure of the first earl's efforts to form a marital alliance with the earls of Ormond. The grant does not clearly state that Gerald fitz Maurice had been made earl of Desmond and initially he was still referred to as the son of the late earl of Desmond, but there is also a reference to him as the earl of Desmond just months after this grant.⁴⁹ It is this ambiguity which has led some historians to list him as earl from 1363⁵⁰ - the first reference to him as earl in the English patent rolls⁵¹ - but he almost certainly received the title with the 1359 grant.

Much of Gerald fitz Maurice's career is difficult to follow. He only appears sporadically in the records and regularly goes without mention for several years at a time. The Irish and Anglo-Irish annals also give only limited information about him. His poetry supplies some additional information, but usually provides more questions than answers. Why, then, do we hear so little of him? His absence from the annals is largely due to location. No substantial set of annals, Anglo-Irish or Irish, survive from the second half of the fourteenth century which were compiled within the earldom of Desmond. Time also played a role. The main Anglo-Irish annals all effectively end by 1370 with only short, sporadic entries surviving for the rest of the fourteenth century.⁵² Several Irish annals continue through this period unabated, but show slight interest in the southwest and even less interest in Anglo-Irish affairs beyond their intersection with the Irish.

Gerald fitz Maurice's infrequent appearances in government records is more difficult to explain. The most obvious reason for this is that Gerald did not come into conflict with the Dublin government as the first earl had. The crown government, based in Dublin and, briefly, in Carlow, was increasingly concerned with trying to maintain

⁴⁸ CPR, 1358-61, p. 246; CCR, 1354-60, p. 576.

⁴⁹ PRO C 49/47/4.

⁵⁰ H.G. Richardson and G.O. Sayles, *The Irish Parliament in the Middle Ages* (Philadelphia, 1952) pp. 34-5; *Complete Peerage*, iv, p. 243.

⁵¹ CPR, 1361-4, p. 369.

⁵² See *St. Mary's Abbey*, ii, pp. 283-6; K.W. Nicholls, 'Late medieval Irish annals: two fragments' *Peritia*, 2 (1983) pp. 87-102; *Clyn*, p. 38.

order in Leinster. So long as Gerald remained 'a loyal servant of the crown' and could maintain order in the southwest, the crown government was inclined to leave matters to him as much as possible.⁵³ Another reason is that the third earl, with the significant exception of his service as justiciar (1367-69), seems to have played only a limited role in the lordship of Ireland outside the southwest. Richardson and Sayles searched the Anglo-Irish political arena for an explanation for this absence but could find 'no obvious reason for his abstention except his quarrel with the earl of Ormond.'⁵⁴ There is certainly a coincidence of timing here: the third earl showed some signs of wider ambitions in the opening years of his career but after his term as justiciar, his attention seems to have turned towards his own lordship. As I will argue below, this was about the time when the hostility between Ormond and Desmond began to develop. Gerald's career also saw a revival in the 1380s following a partially successful attempt to reconcile the two earls in 1384. But there is little indication why this conflict would have prevented the third earl of Desmond from taking part in the wider affairs of the lordship without preventing Ormond.

A more plausible explanation emerges from a wider look at the southwest: the incessant warfare in south-western Munster throughout much of his career and his heavy involvement in both Irish and Anglo-Irish politics and disputes may have kept his attention focused there. Gerald himself put this reason forward in 1382 when he was asked to act as justiciar again.⁵⁵ Though Frame rightly calls it the 'oldest of excuses of the Anglo-Irish',⁵⁶ for Desmond, at least, it has a ring of truth. The fourteenth century saw virulent outbreaks of the plague in the Anglo-Irish population, emigration of Anglo-Irish to England, and the assimilation by Anglo-Irish lineages of Gaelic culture: all of which contributed to the destabilisation of the entire lordship and particularly regions of

⁵³ This is, of course, a generalisation: justiciars continued to hold sessions and lead campaigns in the region but the earl of Desmond was expected to deal with problems there as far as was possible.

⁵⁴ Richardson and Sayles, *The Irish Parliament*, pp. 34-5.

⁵⁵ *Parliaments and Councils of Medieval Ireland*, H.G. Richardson and G.O. Sayles (eds) i (Dublin, 1947) pp. 115-20, no. 66.

⁵⁶ Frame, *English Lordship*, p. 337.

the west where settlement had always been light.⁵⁷ This depopulation encouraged local Irish dynasties to attempt to recover lands lost to the 'foreigners' almost two centuries earlier.⁵⁸ Gerald fitz Maurice's lordship lay close to the lands of two powerful Irish lordships which had never been fully subdued, the Uí Bhriain and the Mic Charthaigh Mór, as well as other dynasties such as the Uí Chonchobuir Ciarraige (who had retained a certain level of independence as well). At times these dynasties represented a significant threat to the Anglo-Irish of the south-west.⁵⁹ For example, the Uí Bhrian almost continuously threatened Limerick during Gerald fitz Maurice's career.⁶⁰ Though these threats might not have prevented him from taking a wider role in the English lordship of Ireland had he wished to, it is possible that he simply did not wish to take a greater role in the lordship, possibly because local ambitions were of more importance to him. We will return to these issues below.

The Early Career of the Third Earl: 1359-1370

In contrast to the strife in Munster in 1358 and this later difficulty with the Irish of Munster, the opening years of Gerald fitz Maurice's career were a period of relative calm for the Anglo-Irish of Munster. This temporary calm provided Gerald fitz Maurice with an opportunity to solidify his authority, particularly within the Gaelic regions of his lordship, as well as a chance to establish himself before facing those dynasties on his borders. Gerald's inheritance of the earldom of Desmond coincided with a period of

⁵⁷ Kelly has argued for the introduction of the plague through the southern as well as the eastern ports of Ireland (M. Kelly, *A History of the Black Death in Ireland* (Stroud, 2001) pp. 25, 35). Its effects, and the effects of the war and instability were severe and led to the near destruction of several southern ports including Youghal and Kinsale (A.F. O'Brien, 'Politics, Economy and Society: the development of Cork and the Irish south-coast region c.1170 to c.1583', *CHS*, pp. 123-5; O'Neill, T. *Merchants and Mariners in Medieval Ireland* (Dublin, 1987) pp. 24-9.

⁵⁸ Lydon, *Lordship*, pp. 207-9 [2nd pp. 138-42].

⁵⁹ Though these dynasties faced internal difficulties and their rulers may even at times have been almost subject to their supporters, they were still able to make considerable advances against the Anglo-Irish. For the Uí Bhriain, see A. Nic Ghiollamhaith, 'Kings and vassals in later medieval Ireland', *Colony and Frontier in Medieval Ireland*, Barry, Frame, and Simms (eds) (London, 1995) pp. 201-16; A. Nic Ghiollamhaith, 'Dynastic warfare and historical writing in north Munster, 1276-1350', *CMCS*, 2 (1981) pp. 73-89. For the Mic Charthaigh Mór and the other Mac Carthaigh dynasties see Nicholls, *Gaelic Ireland*, pp. 154-69 [2nd pp. 182-200]; K.W. Nicholls, 'The development of lordship in county Cork, 1300-1600', *CHS*, pp. 157-211; W.F.T. Butler, *Gleanings from Irish History* (London, 1925). For the Uí Chonchobuir Ciarraige, see P.J. O'Connor, 'Medieval Regionalism in North County Kerry', *JKAHS*, 21 (1988) p. 111.

⁶⁰ See Chap. 4, pp. 231-2.

upheaval in the Gaelic areas around Desmond. Following the raiding and warfare of 1358, the Irish of Munster faced internal difficulties. In 1359 Cormac Mac Carthaigh, king of Desmond died.⁶¹ The Uí Bhriain seem to have been heavily involved with internal struggles: in addition to the 1360 deposition of Diarmait Ó Briain by his nephew, Mathghamhain,⁶² there is evidence of the Uí Bhriain fighting with several prominent Irish lineages within their lordship: the Mic Mhathghamhna (Mac Mahon) in 1359 and the Mic Conmara in 1362.⁶³ This instability continued into the 1360s. In 1366, the Branachs killed Conchobhar Ó Conchobhair, head of the Uí Chonchobhair Ciarraige-Luachra and Cormac Donn Mac Carthaigh king of the Mic Charthaigh Cairbre was killed by his nephew Domhnall Riabhach.⁶⁴ Two years later Domhnall captured Diarmait, son of Cormac Donn Mac Carthaigh, and turned him over to the Anglo-Irish who executed him.⁶⁵ But Gerald's elevation was not entirely timely. It was also in the midst of further outbreaks of the plague. The most immediate were in 1361 and 1363 with others following throughout the rest of the century.⁶⁶ The 1363 outbreak seems to have been particularly bad in Connacht, Thomond, and Desmond. Because of its severity Thomas Mac Mathghamhna, bishop of Scattery Island,⁶⁷ requested and was granted special powers of absolution by the papacy.⁶⁸

The 1360s were the period in which Gerald fitz Maurice's role in the wider lordship of Ireland was greatest. His involvement in affairs beyond Munster began almost as soon as he became earl. One of his first actions was to join the earl of Ormond, then justiciar, and the earl of Kildare on a campaign in Leinster against the Mic Mhurchadha and the Uí Mhórdha in 1359.⁶⁹ It is surprising to find Gerald

⁶¹ *ALC*, ii, 1359; *AFM*, iii, 1359.

⁶² *AFM*, iii, 1360, *ALC*, ii, 1360.

⁶³ *AFM*, iii, 1359, 1362.

⁶⁴ *ALC*, ii, 1366; *AFM*, iii, 1366.

⁶⁵ *AFM*, iii, 1368; *ALC*, ii, 1368.

⁶⁶ *AFM*, iii, 1361.

⁶⁷ Also known as Inis Cathaig, this short-lived diocese (roughly mid twelfth century to late fifteenth century) contained portions of the modern dioceses of Limerick, Ardfert, and Killaloe (*NHI*, ix, pp. 307-8).

⁶⁸ *Papal Registers: Petitions*, i, p. 461.

⁶⁹ PRO C 49/47/4; Frame, *English Lordship*, p. 301.

campaigning outside his lordship so soon after receiving it, but he was probably eager to show the crown his gratitude as well as strengthen his ties with his father-in-law, the earl of Ormond. Four years later he and the earls of Ormond and Kildare along with the barons of Slane and Galtrim (Simon Fleming and Jon Hussey), John Cusack and William Loundres received commissions of *oyer et terminer* to investigate reports of abuse of power by the king's ministers and officials in Ireland.⁷⁰ The king had ordered a similar commission for his father in 1344, but the Dublin government had resisted issuing it.⁷¹ The issue of ministerial abuse arose again in June 1368 when Gerald, while acting as justiciar, witnessed the reissue of a royal writ concerning abuses by the deputies and clerks of the market.⁷² Complaints concerning abuses by royal servants were common during the fourteenth century and generated some response from the king. In general, these charges came to little, though some ministers thus accused were dismissed and some trials and investigations into the actions of ministers did occur.⁷³

Gerald fitz Maurice received an additional commission of *oyer et terminer* in 1363. He, along with Walter Mandeville (one of his father's trusted retainers) and several local and county officials, were ordered to investigate Henry Golofree of Leicester's assault on and robbery of the church of Youghal.⁷⁴ Although the dispute was over the benefice of the church of Youghal, the dispute did have some wider implications: it was between two royal clerks and had been caused by the king's revocation of a grant to Henry Golofree after he had taken up the benefice. Golofree, a chancery clerk in England, had come to Ireland in the 1350s with Thomas Cotingham, the newly appointed Keeper of the Irish Chancery Rolls and the king had ordered the justiciar to grant him the next vacant benefice.⁷⁵ The earl of Kildare, while justiciar, fulfilled the grant, placing Golofree in the benefice of Youghal. In 1361, the king

⁷⁰ CPR, 1361-4, p. 369.

⁷¹ PRO C 81/297/1648-9; 'C 81', AH, 36 (1995) p. 154; Frame, *English Lordship*, p. 272.

⁷² C. MacNeill and A.J. Otway-Ruthven (eds) *Dowdall Deeds* (Dublin, 1960) pp. 97-8, no. 242.

⁷³ See M.V. Clarke, 'William of Windsor in Ireland, 1369-76', *Fourteenth Century Studies* (Oxford, 1937) pp. 146-241, *Doc. Aff.*, pp. 194-201, no. 218.

⁷⁴ CPR, 1361-4, p. 371.

⁷⁵ CPR, 1354-8, p. 433.

nullified his non-specific grant of 'the first open benefice' and, possibly unaware of the grant Golofree had already received, granted the benefice of Youghal to John Hirst.⁷⁶ Golofree had then attacked Hirst and attempted to seize the benefice by force. Gerald was probably included on the commission so that he could use his authority to impose the commission's findings (no doubt in favour of Hirst) on the combatants.

The height of Gerald fitz Maurice's involvement in public affairs came in February 1367 when he was appointed justiciar.⁷⁷ The reasons for his appointment are not recorded, but several factors were probably at work. The crown may have wished to harness the potential of a young and energetic magnate to serve the interests of the government. In the case of the earl of Desmond, it may have seemed even more important to involve him in the government of the lordship of Ireland in an effort to avoid the dangerous hostility that had simmered between the first earl and the Dublin government. The crown may also have wished to ensure that the young earl of Desmond did not have opportunity to feel aggrieved at a shortage of the patronage and authority to which his rank entitled him. The other two prime candidates for the position, the earls of Ormond and Kildare, had both recently held the office and may have been all too willing to see their junior colleague take his turn bearing the responsibility and financial risk inherent in the office.

The terms of his appointment were similar to the terms under which a number of his predecessors had served. He was to receive £500 annually from the Irish exchequer and he was to maintain a small group of men-at-arms numbering at least nineteen at all times.⁷⁸ Once he was in office, he was also granted the power to pardon rebels and return them to the king's peace with the usual limits excluding the pardon of treason and requiring the 'counsel and advice of the chancellor and treasurer' of Ireland.⁷⁹

⁷⁶ *CPR*, 1361-4, pp. 49, 132, 219-20.

⁷⁷ T. Rymer, *Foedera*, III, ii (London, 1830) p. 822; *CPR*, 1364-7, p. 384; *NHI*, ix, p. 474.

⁷⁸ *CPR*, 1364-7, p. 384. Not surprisingly, his wages fell into arrears and were still being paid 10 years later (*JEP*, p. 528; S.H. Harbison, 'William of Windsor in Ireland, 1369-76', M.Litt. thesis (TCD, 1977) p. 100).

⁷⁹ *CPR*, 1367-70, p. 13.

These, however, were substantially different terms from those his immediate predecessor and successor received. Lionel, duke of Clarence who served before him and William of Windsor and Robert Ashton who served after him all received substantial funds, or at least the promise of funds, from the English exchequer.⁸⁰ One of the motivating factors behind this unusual commitment of cash to Ireland was the hope of restoring the lordship as a source of income for the crown.⁸¹ In the late 1360s, fear of a French attack on the southern coast was a further incentive.⁸² The crown was able to turn its resources to Ireland initially because the treaty of Brétigny temporarily ended hostilities between England and France in 1360.⁸³ In 1369, the ransoms of David II, king of Scotland and John II, king of France and the dowry from Lionel's marriage had swelled the crown's coffers allowing further resources to be diverted to Ireland.⁸⁴ Lionel's efforts did bring about greater stability within the lordship, particularly in Leinster, and increased the revenues of the Irish exchequer. But much of this success was a result of the stabilising effect of a substantial military force in Ireland.⁸⁵ William of Windsor had similar success. Unfortunately, his methods, in particular the constant demand for subsidies to cover the shortfalls of the promised cash from the English exchequer, were unacceptable to the Anglo-Irish and the friction that resulted hampered his efforts and resulted in his recall on two occasions with Robert Ashton replacing him in the first instance.⁸⁶

⁸⁰ Thomas de la Dale was briefly appointed 'keeper of Ireland' between Lionel's departure and Gerald's appointment but this was a stopgap measure. For the full details of their appointments, see P.M. Connolly, 'The financing of English expeditions to Ireland, 1361-1376', Lydon (ed.) *England and Ireland in the Later Middle Ages* (Dublin, 1981) pp. 104-21; P.M. Connolly, 'Lionel of Clarence and Ireland, 1361-1366', Ph.D. thesis (TCD, 1977).

⁸¹ Connolly, 'Financing', pp. 105, 108, 111; Connolly, 'Lionel of Clarence', pp. 18-20, 276-7.

⁸² S.H. Harbison, 'William of Windsor, the court party and the Administration of Ireland', Lydon (ed.) *England and Ireland in the Later Middle Ages* (Dublin, 1981) p. 154.

⁸³ J. Le Patourel, 'The treaty of Brétigny', *TRHS* (5th series) 10 (1960) pp. 19-39; M.C. Prestwich, *The Three Edwards: War and State in England 1272-1377* (London, 1981) pp. 182-3; S.L. Waugh, *England in the Reign of Edward III* (Cambridge, 1991) p. 18; Connolly, 'Financing', p. 104; Connolly, 'Lionel of Clarence', pp. 10-11.

⁸⁴ Connolly, 'Financing', pp. 111-12; Waugh, *England in the Reign of Edward III*, pp. 17-18; Prestwich, *The Three Edwards*, pp. 61, 202; le Patourel, 'The treaty of Brétigny', pp. 26, 32.

⁸⁵ Connolly, 'Financing', p. 109; Connolly, 'Lionel of Clarence', p. 270.

⁸⁶ Connolly, 'Financing', pp. 111-17; Harbison, 'The court party', pp. 153-73; S.H. Harbison, 'William of Windsor and the wars of Thomond', *JRSAL*, 119 (1989) pp. 98-112.

Unfortunately, the appointment of the third earl of Desmond represented a return to the more normal policy of placing the cost of governing Ireland squarely on the shoulders of the Irish exchequer. Following Lionel's departure, the disorder which his troops had held in check resurfaced and the Irish exchequer lacked the resources to allow Gerald to maintain Lionel's efforts which had been heavily subsidized from England.⁸⁷ Lionel's army had numbered almost 200 men-at-arms and 670 archers in 1361 and even after financial realities forced him to allow his force to dwindle to around 160,⁸⁸ it was still vast compared to the 19 men-at-arms figured into Desmond's wages. Any additional troops would have been maintained at the earl's considerable expense once the limited funds available in the Irish exchequer were expended. Gerald would have eventually received at least partial compensation, but not for some time. It is also unlikely that Gerald could have pursued such a policy had he wished to so long as one and possibly two dowers continued to drain the resources of the earldom of Desmond. By the time William of Windsor (and his substantial, if unreliable, English funding) replaced Gerald, much of Lionel's gains, in terms of both stability and financial recovery had been lost.⁸⁹

Gerald was appointed on 20 February 1367 but did not take office until around 23 April.⁹⁰ Calendars of a justiciary roll and memoranda rolls which cover this period were made by the Irish Record Commission but unfortunately they reveal little because of poor calendaring;⁹¹ the reader is faced with comments such as 'remainder of this membrane of no importance.'⁹² However, the justiciary rolls reveal a great deal about Gerald's movements.

⁸⁷ NAI RC 8/30, pp. 6-7; *St. Mary's Abbey*, ii, pp. 396-7; *RCH*, p. 80, no. 5; *CPR*, 1374-7, p. 207.

⁸⁸ Connolly, 'Financing', pp. 105, 107.

⁸⁹ Connolly, 'Financing', pp. 110-1.

⁹⁰ Otway-Ruthven, *Med. Ire.*, p. 295.

⁹¹ NAI RC 8/29; RC 8/30.

⁹² NAI RC 8/29, p. 550.

Pleas held before Gerald fitz Maurice, justiciar 23 April 1367 - 20 June 1369⁹³

1367	May	18	Dublin
	June	?	Kilkenny & Clonmel ⁹⁴
	October	13	Naas
		?	Carlow
	November	25	Ross
1368	January	16, 18, 20-1, 29, 31	Wexford
	February	3	Castledermot
		4, 8-9, 12, 17, 21	Ross
	March	6, 8, 12-3, 16-8, 20, 24, 27-8	Cork
	April	1	Cork
		23-4	Kilkenny
		30	Dublin
	May	6, 8, 11	Dublin
		17, 20, 22, 26	Trim
	June	7, 9	Trim
		11	Trim/Drogheda
		12-4	Trim
		15, 18	Trim/Drogheda
		20-1, 27, 30	Drogheda
	July	4-5, 8, 12-3, 18, 26, 31	Drogheda
	October	20, 27	Trim
	November	12, 21	Carlow
	December	8, 11	Drogheda
1369	January	20	Castledermot
	April	25	Naas

The justiciar's bench under Gerald's guidance followed a pattern similar to that of many of the justiciars of the time. It does seem somewhat unusual that Gerald, a prominent Munster magnate, made only one trip to Munster and never held sessions in Waterford, Tipperary or Limerick but this may have been due to the unstable situation in Leinster.

As is generally the case in the fourteenth century,⁹⁵ other indications of his location (such as the locations and dates on charters witnessed by him) confirm his presence in the locations where the justiciar's bench was said to be holding sessions. The only exceptions are two instances where writs witnessed by Gerald fitz Maurice were issued at Carlow when the justiciar's court was said to be in session in

⁹³ After Mills, published in P.M. Connolly, 'Pleas held before the chief governors of Ireland, 1308-76', *The Irish Jurist*, 18 (1983) pp. 128-9. Mills's list omitted some sessions which are noted in the RC 8 series, particularly NAI RC 8/29 which contains a very poor calendar of the Justiciary Roll for 39-43 Ed. III (NAI RC 8/29, p. 507-776). See also Otway Ruthven, *Med. Ire.*, p. 295.

⁹⁴ Gerald was in Clonmel until at least 14 July 1367 (*Cartulary of Oseney Abbey*, H.E. Salter (ed.) 5, Oxford Historical Society, 98 (1935) pp. 136-8, no. 618A).

Castledermot in the first instance and in Ross in the second instance.⁹⁶ Connolly has suggested that such apparent conflicts may be the result of confusion over 'the precise meaning of dating clauses in letters issued by the Irish chancery - whether the place mentioned in such a clause refers to where the justiciar was or where the chancery was, and whether the date represents the date of the warrant for issuing the letter or the date on which it was issued.'⁹⁷ Gerald need not have been in Carlow on the dates in question.

While justiciar, Gerald fitz Maurice also summoned two parliaments and led a campaign against the Uí Thuathail (O'Tooles). One of his first acts as justiciar was to summon a parliament which was to meet on 14 June 1367 at Kilkenny.⁹⁸ Little is known of what the business of this parliament was though Otway-Ruthven has suggested that it may have produced letters to the king reporting the disorder which erupted following Lionel, Duke of Clarence's departure and requesting further aid.⁹⁹ In light of the situation in Munster, with several branches of the Uí Bhriain raiding Tipperary and Limerick and with the Mic Charthaigh Cairbre and other Mac Carthaigh dynasties raiding heavily in Cork, it is not difficult to imagine Desmond supporting such a request.

The second parliament summoned by Gerald fitz Maurice met on 1 May 1368 in Dublin.¹⁰⁰ It was summoned by order of the king in response to the above-mentioned letters. Its purpose was to advise the king as to how best to solve the problem of defending the lordship. The response agreed on by the parliament was that absentees should be made to reside on their lands in Ireland or appoint men to do so for them.¹⁰¹ The injunction against absentees might have had some importance for Gerald fitz Maurice, as the former Clare lands, now in the hands of absentees after the dismissal of

⁹⁵ Connolly, 'Pleas', p. 103.

⁹⁶ NAI RC 8/30, pp. 11, 18.

⁹⁷ Connolly, 'Pleas', p. 101.

⁹⁸ *Parliaments and Councils*, i, p. 24, no. 18.

⁹⁹ Otway-Ruthven, *Med. Ire.*, p. 295; *Early Statutes*, pp. 470-1.

¹⁰⁰ *Parliaments and Councils*, i, p. 24, no. 19.

¹⁰¹ *Early Statutes*, pp. 470-1.

his father's claims to them, were being lost to the Irish.¹⁰² Though greater defences on the marches might have decreased raiding on his lands, Gerald may also have had some ambitions in those regions - ambitions which would be difficult to advance with the landholder in residence.

The widespread disturbances which had followed Lionel, duke of Clarence's departure worsened in the summer of 1368. Fresh outbreaks were recorded in both Ulster and Leinster.¹⁰³ That summer or autumn it proved necessary to summon the royal service to Kilkenny for a campaign against the Uí Thuathail.¹⁰⁴ Otway-Ruthven has suggested that this campaign may have been planned at the same time as the Anglo-Irish sent another letter to the king informing him that the situation in Ireland was worsening.¹⁰⁵

Gerald fitz Maurice's term as justiciar would hardly stand out at all were it not sandwiched between two periods of intense English interest in Ireland. The peripatetic justiciar's bench followed a normal pattern of itineration, military action continued against the Irish of Leinster, and his time in office drew little comment or complaint from his contemporaries. This last point is perhaps the most noteworthy. Gerald fitz Maurice gives indications of being heavily affected by Gaelic culture: he wrote poetry in Irish and in the bardic style, fostered at least one of his sons with the Irish and even expressed a preference for dealing with the Anglo-Irish and Irish rather than the English.¹⁰⁶ This has led some historians to use him as an example of the 'Gaelicization' of even the magnate classes in fourteenth-century Ireland.¹⁰⁷ Yet a year after the passage of the Statutes of Kilkenny, which vehemently condemned the adoption of Gaelic culture, he served as justiciar without drawing any comment. He must, then, have been

¹⁰² For instance, the loss of Bunratty placed Limerick on the border between the kingdom of Thomond and the lordship (*RCH*, p. 64, no. 148; SC 8/193/9637; SC 8, *AH*, 34 (1987) p. 62). It is debatable whether even a resident lord could have prevented the wasting of these border regions as neither the first nor third earl of Desmond was able to prevent the wasting of portions of their lordship, particularly in Cork and Thomond (see Chap. 3, pp. 157, 169-70).

¹⁰³ Otway-Ruthven, *Med. Ire.*, p. 296; NAI RC 8/31, pp. 146-7.

¹⁰⁴ Otway-Ruthven, 'Royal service in Ireland', *JRSAI*, 98 (1968) p. 44.

¹⁰⁵ *CCR*, 1364-8, pp. 353-4; *Early Statutes*, p. 471; Otway-Ruthven, *Med. Ire.*, p. 296.

¹⁰⁶ See Chap. 4, p. 234; G. Mac Niocaill, 'Duanaire Ghearáid Iarla', *SH*, 3 (1963) poem 5, pp. 17-19.

more than able to function as an 'English' official and particularly in those parts of Ireland which had been least affected by Gaelic culture: his contemporaries give no indication that they viewed him as 'degenerate'. The implication being that either he was not as 'Gaelicized' as is often assumed or, more probably, we need to reassess what the Anglo-Irish viewed as 'English' in fourteenth-century Ireland.

Gerald fitz Maurice was replaced as chief governor of Ireland by William of Windsor. William of Windsor was appointed, with the more prestigious title of king's lieutenant, on 3 March 1369 but it was not until 20 June that he took over from Gerald.¹⁰⁸ William of Windsor, like Lionel, set out to restore order in the lordship of Ireland and to stabilise the borders. He was promised not only funds from the English exchequer but also the aid of a number of absentees who were ordered to defend their lands in person.¹⁰⁹ However, William's effort quickly ran into difficulties: the king undermined his efforts to force absentees to travel to Ireland by allowing them to go instead to France and financial problems forced him to turn to the Irish parliament for subsidies which they resisted strenuously.¹¹⁰ The Anglo-Irish began accusing William of Windsor and his officials of various abuses.¹¹¹ These charges probably represent resistance by the Anglo-Irish to a strong government,¹¹² just as happened in 1341 and 1345,¹¹³ but this time politics in England were such that certain elements in the royal government in England were eager to seize on the accusations for political reasons.¹¹⁴

Unfortunately, there is no information regarding what part Desmond took in these activities. The best indication might have come from two inquisitions taken into Windsor's activities in Cork and Waterford, but they have not survived.¹¹⁵ Men in Gerald's affinity directly gained from two of the incidents which were put forward by

¹⁰⁷ See intro, pp. 5-6.

¹⁰⁸ Connolly, 'Financing', p. 111; *NHI*, ix, p. 474.

¹⁰⁹ *Early Statutes*, pp. 470-1; Harbison, 'The court party', pp. 156-8, 162.

¹¹⁰ See Connolly, 'Financing', pp. 111-16; Harbison, 'The court party', pp. 153-73 (particularly 163-4); J.F. Lydon, 'William of Windsor and the Irish parliament', *EHR*, 80 (1965) pp. 254-5.

¹¹¹ See Clarke, 'William of Windsor', pp. 182-232.

¹¹² Harbison, 'The court party', pp. 160, 165.

¹¹³ See Chap. I, pp. 75, 80-1.

¹¹⁴ Harbison, 'The court party', pp. 158-60, 164-5, 167-70.

Windsor's detractors as abuses carried out by his officials,¹¹⁶ but, as Lydon and Harbison have shown, these 'abuses' were fairly standard practice. It is known that Gerald took part in one of William of Windsor's campaigns: in 1369 he joined an expedition against the Uí Nhuallán (the O'Nolans) and the Uí Cheinneide (O'Kennedys).¹¹⁷ There is no further indication of Gerald fitz Maurice taking part in William's activities and he, like the earls of Ormond and Kildare, may have remained aloof for the remainder of William's period as chief governor.¹¹⁸ However, Desmond, unlike Ormond and Kildare, remained aloof after William's departure.

Gerald fitz Maurice and Brian Sreamhach Ó Briain

Around the same time as William of Windsor was taking office a new problem was developing in Thomond: Brian Sreamhach Ó Briain. In 1369 Mathghamhain Maonmhagh, king of Thomond, died and was succeeded by Brian Sreamhach,¹¹⁹ who immediately began raiding in Anglo-Irish Munster. This marked the beginning of a long-running conflict with Gerald fitz Maurice.¹²⁰ This also marked Gerald's withdrawal from involvement in the wider lordship suggesting that it was this increased threat to Munster which ended Gerald's wider ambitions. Certainly the opening campaign of this dispute would have given Desmond cause to take the threat very seriously as Brian gained the upper hand. On 10 July 1370, there was a battle fought between Brian Ó Briain and the Anglo-Irish of southwest Munster, probably led by the earl of Desmond, near the Abbey of Magio (Monasternenagh) in Co. Limerick. There is no information concerning the size of the forces involved but the annals suggest a large battle and describe the defeat of the Anglo-Irish as an 'indescribable slaughter,'¹²¹ stating that 'not often before did as many persons fall in one spot as fell there.'¹²² Though this is clearly

¹¹⁵ Clarke, 'William of Windsor', p. 151, n. 1.

¹¹⁶ Thomas fitz John and Maurice fitz Richard both paid fines/bribes to officials to prevent cases being prosecuted (Clarke, 'William of Windsor', pp. 198, 205).

¹¹⁷ Harbison, 'William of Windsor in Ireland', p. 101.

¹¹⁸ See Harbison, 'William of Windsor in Ireland', pp. 99-105.

¹¹⁹ *AFM*, iii, 1369; *ALC*, ii, 1369; *AU*, ii, 1369.

¹²⁰ See Chap. 4, pp. 231-2.

¹²¹ *AFM*, iii, 1369.

¹²² *ALC*, ii, 1369.

exaggeration on the part of the Irish annals, even the Dublin annals state that *pluresque (alii) interfecti*.¹²³ The Uí Bhriain were also able to capture Gerald fitz Maurice, earl of Desmond and some of his leading retainers and members of his lineage including John fitz Nicholas lord of Kerry and Thomas fitz John the earl's cousin.¹²⁴ This defeat allowed the Uí Bhriain and their allies to burn Limerick and they even attempted to hold the town. According to the Irish annals, the citizens killed Sida Óg Mac Conmara, who had been left as warden of the town, and drove the occupiers out through treachery.¹²⁵

This defeat forced William of Windsor to abandon his campaign against the Uí Thuathail in Leinster to deal with the situation in Munster. His force also suffered heavy losses including a number of prominent men from Leinster.¹²⁶ William of Windsor's efforts in Munster over the next few months temporarily pacified the region but he did not succeed in freeing the earl of Desmond - a ransom had to be paid to gain his freedom.¹²⁷ There is little mention of his captivity in the surviving government records; considering the substantial gaps in the Irish Patent and Close rolls (1369-72) and the Irish Memoranda rolls (1370-72) for the period this is perhaps not surprising. Many of the Anglo-Irish and Irish annals mention his capture but give no additional details. The main source of information is Gerald's bardic poems. They contribute details regarding

¹²³ *St. Mary's Abbey*, ii, pp. 282, 397 (the first instance includes *alii*, the second omits it); *Grace*, pp. 154-6.

¹²⁴ *St. Mary's Abbey*, ii, pp. 282, 397; *Grace*, pp. 154-6. The Hanmer chronicle lists the lord John fitz Richard and the lord John fitz John (*Two Histories of Ireland the one written by Edmund Champion, the other by Meredith Hanmer*, J. Ware (ed) (Dublin, 1633) p. 213) but this is a corruption of John fitz Nicholas and Thomas fitz John as Hanmer was drawing on the Dublin annals (B. Williams, 'The Dominican annals of Dublin', Duffy (ed.) *Medieval Dublin*, ii, p. 143). If Hanmer's two Johns were additional captives whose names he garnered from another source, he surely would have included John fitz Nicholas and Thomas fitz John as well.

¹²⁵ *AFM*, iii, 1369; *ALC*, ii, 1369; *AU*, ii, 1369; *St. Mary's Abbey*, ii, p. 397; Harbison, 'The wars of Thomond', p. 100; Otway-Ruthven, *Med. Ire.*, p. 298. See Nic Ghiollamhaith, 'Kings and vassals', pp. 201-16 for the importance of the Mic Conmara.

¹²⁶ Robert Tyrrell Baron of Castleknock, Simon Fleming Baron of Slane, John Cusack Baron of Culmullen, and John Tailor sometime Mayor of Dublin were all casualties of this diverted campaign (*St. Mary's Abbey*, ii, p. 397; Harbison, 'The wars of Thomond', p. 100; Otway-Ruthven, *Med. Ire.*, p. 298).

¹²⁷ Harbison states that Gerald fitz Maurice was ransomed in December 1370 and cites PRO E 101/245/3 (Harbison, 'William of Windsor in Ireland', p. 153). Unfortunately she gives no further details and the PRO has temporarily misplaced the document.

his captivity, but, concerning his capture, they add little. Gerald says only that 'Ó Briain's son will profit from protecting the poet's friends.'¹²⁸

It seems he was held in Clonroad near Ennis friary. Gerald's poetry suggests he was well treated. There are references to him joining in the festivities of his captors; he mentions drinking on several occasions¹²⁹ and, in the poem below, fraternising with one of the women of the household.¹³⁰

*Mór idir a-nocht 's a-réir:
mí thuigim féin mar a-táim;
dar liom féin, ní holc mo ghean
gé tá mé re seal I láimh.*

Great [the difference] between tonight and last night: I don't understand this buoyancy; but I do not think my affection evil, though it comes while I am imprisoned.

*Bliadhain is ráithe 'na diaidh
atúsa ag Ó Briain i láimh;
ní mhaireann dom fhine féin
neach do bhéaradh spéis im dháil.*

A year is a quarter gone since I was captured by Ó Briain; My own family has no interest in my state.

*I ndíoghail a ndearnsad rum
-muna dearnar ní bhus mó-
dá dteagmhadh dhún dul bu-dheas
do bheimis i measc a mbó*

I will repay them for doing nothing to help me. If I happen to go to the south, I will be among their cows.

*Is mé féin an t-iarla óg
do-gheibh póg ó mhnáibh ag ól;
ar mo dhán ní bhuightheas locht;
mo shuarcas a-nocht is mór. M.*

I am the young earl. I obtain a kiss from a woman while drinking. There is no fault in my poem. My gaiety tonight is great.¹³²

*Diarmaid Mág Carrthaigh, dreach
réidh,
fear nach tabhair spies in ór,
isin am a tharla an fear
maith an feacht do rinne Mór. M¹³¹*

Diarmaid Mac Carthaigh of the smooth face has no affection for gold, he comes in time, Mór's trip was well made.¹³³

Little information survives concerning the treatment of Anglo-Irish magnates and gentry being held captive by the Irish. However, documents relating to such periods of

¹²⁸ Mac Niocaill, 'Duanaire Ghearóid Iarla', poem 7, pp. 22-3.

¹²⁹ Mac Niocaill, 'Duanaire Ghearóid Iarla', poem 7, pp. 22-3.

¹³⁰ Mac Niocaill, 'Duanaire Ghearóid Iarla', poem 20, p. 39; poem 7, pp. 22-3.

¹³¹ Mac Niocaill, 'Duanaire Ghearóid Iarla', *SH*, 3 (1963) poem 20, p. 39.

¹³² Mór means 'great' but it was also a common woman's name among the Uí Bhriain - a fact which is played on in this poem, here and in the next stanza. My thanks to Katharine Simms for pointing this out.

¹³³ This is a rough translation; my intention is to relay the spirit of the poem rather than to supply a word for word translation. Again, my thanks to Katharine Simms who very kindly supplied me with her notes on these poems which proved a great help to translation and to Brian and Niall Gallagher for their comments (all mistakes are, of course, my own).

captivity note only the financial difficulties resulting from the ransom which may indicate that the physical hardships were minimal.¹³⁴ It seems likely Desmond's captivity was like that of nobles captured in the Scottish wars who, with a few noted exceptions,¹³⁵ were treated almost as guests: Thomas Gray began his *Scalacronica* while being held by the Scots and there are numerous examples of men dining with their captors.¹³⁶ Like these parallels in Scotland and England,¹³⁷ Desmond was worth far more to Ó Briain alive than dead.

The date and details of Desmond's release are largely unknown. One of Gerald's poems, written while he was still in captivity, has caused some confusion. When speaking of the length of his imprisonment, Gerald says *Bliadhain is ráithe 'na diaidh*.¹³⁸ This has been assumed to mean 'a year follows a quarter', meaning his imprisonment exceeded fifteen months. However, an alternative reading 'a year is a quarter gone', fits with Harbison's suggestion that Maurice was ransomed by the end of the year.¹³⁹

William of Windsor was able to restore peace in December 1370,¹⁴⁰ but this was only temporary. In March 1372, Gerald fitz Maurice, prominent members of his lineage and other Anglo-Irish were ordered to defend their lands in Munster in person against the Uí Bhriain.¹⁴¹ William of Windsor's recall and eventual departure for England in April 1372 compounded the situation as many of the Anglo-Irish rebels and Irish who had submitted to him joined Ó Briain when Windsor left.¹⁴² His replacement, the earl of Kildare, responded to the situation in Munster by summoning men from Tipperary, Waterford, Limerick, Cork, Kilkenny, Dublin, Meath, Kildare, and Louth to join the

¹³⁴ NAI RC 8/10, p. 312; RC 8/11, p. 517. There is also another incident involving Gerald. He had been held by the Mac Conmara in 1355/56, but even less is known of that instance (*RCH*, p. 59, no. 10).

¹³⁵ A. King, "According to the customs used in French and Scottish wars:" prisoners and casualties on the Scottish Marches in the Fourteenth Century', *Journal of Medieval History*, 28 (2002) pp. 264-5.

¹³⁶ King, 'Prisoners and Casualties', pp. 271-2.

¹³⁷ King, 'Prisoners and Casualties', pp. 271-2.

¹³⁸ Mac Niocaill, 'Duanaire Ghearáid Iarla', poem 20, p. 39.

¹³⁹ Harbison, 'William of Windsor in Ireland', p. 153.

¹⁴⁰ Harbison, 'The wars of Thomond', pp. 109-11, 102.

¹⁴¹ *RCH*, p. 84, nos. 132-4, 136-7; Otway-Ruthven, *Med. Ire.*, p. 300.

¹⁴² Harbison, 'The wars of Thomond', pp. 102-3.

campaign.¹⁴³ The justiciar and the government were in Munster for much of May, June and July, at least until Kildare was replaced as chief governor by Robert Ashton in mid July.¹⁴⁴

Brian Ó Briain continued to cause problems in southern Munster for several more years. Fighting in 1374 seems to have been particularly severe though the exchequer questioned the legitimacy of using this conflict as an excuse for not rendering accounts.¹⁴⁵ In that year, William of Windsor, recently returned as chief governor but with the title *govenour et gardien de sa terre dirlande*,¹⁴⁶ was engaged in fighting in Leinster so a council of Leinster magnates was called to determine a course of action against Ó Briain of Thomond, who 'with great and powerful Irish marches against Munster to destroy the faithful people of the king'.¹⁴⁷ It was decided to send Stephen Valle, bishop of Meath and former bishop of Limerick along with forces drawn from Kilkenny, Tipperary, Waterford, Limerick and Cork.¹⁴⁸ Unfortunately, the lack of funds for this expedition meant that the brunt of the expense was born by the Anglo-Irish upon whose lands the force foraged. The Mic Conmara, one of the Irish dynasties who had submitted to William but revolted when he departed Ireland in 1372,¹⁴⁹ also rejoined the Anglo-Irish for this campaign and were still aiding the Anglo-Irish two years later when they received payment for capturing malefactors.¹⁵⁰ The methods and effects of this campaign, and Gerald fitz Maurice's part in it, are largely unknown but it seems likely that the events of the following year were, in part, related to it.

In 1375, Toirdhealbhach Maol Ó Briain was temporarily able to banish Brian Ó Briain from Thomond with the help of the Burghs of Connacht. But even with the temporary defeat of the major obstacle to peace in Munster, the region was still unstable, a fact shown by the mayor and council of Youghal's resistance to travelling to

¹⁴³ *RCH*, p. 85, nos. 142-5; Otway-Ruthven, *Med. Ire.*, p. 300.

¹⁴⁴ *RCH*, pp. 82-3; *NHI*, ix, p. 474; Otway-Ruthven, *Med. Ire.*, p. 300.

¹⁴⁵ Otway-Ruthven, *Med. Ire.*, pp. 303-4.

¹⁴⁶ Harbison, 'The court party', p. 162.

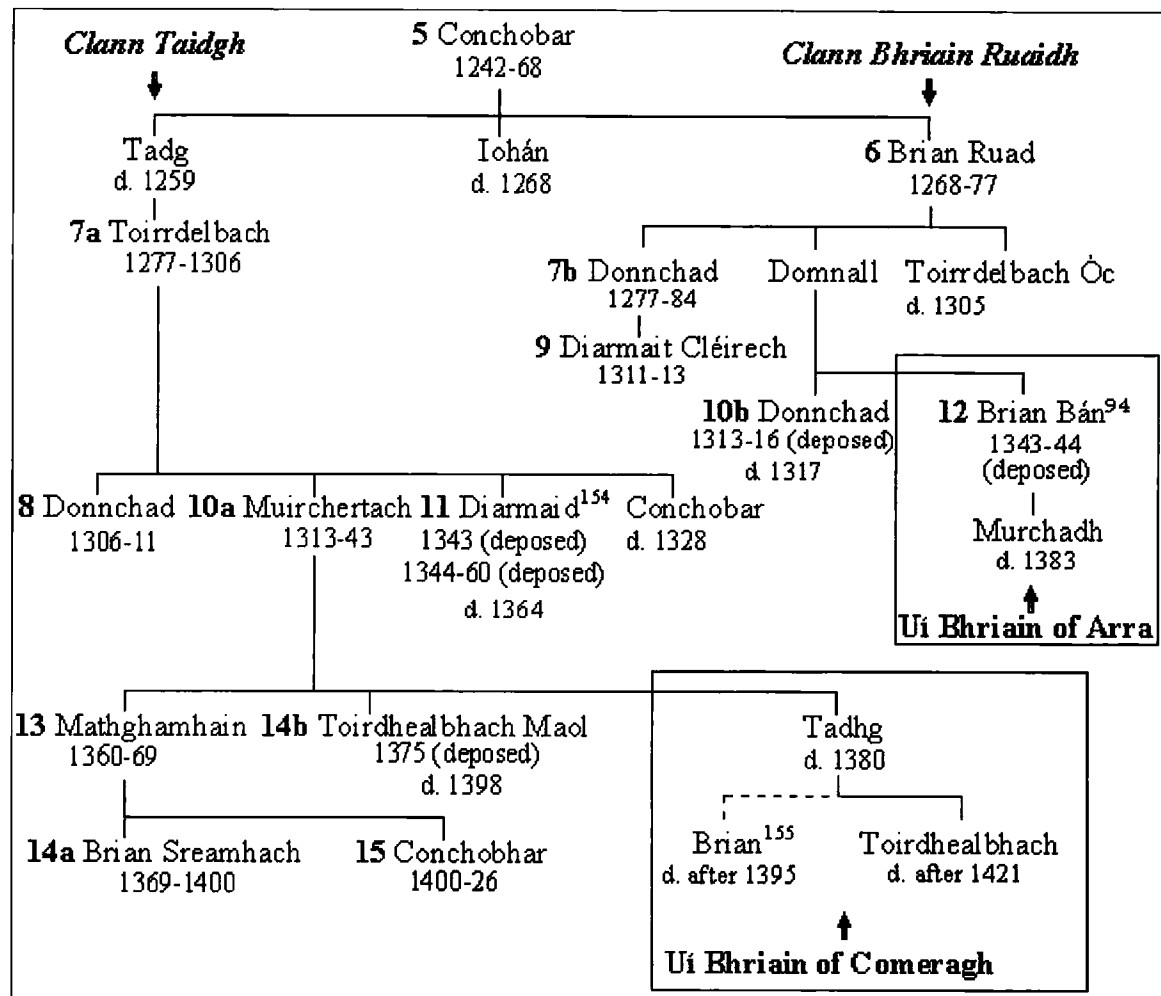
¹⁴⁷ *RCH*, p. 88, no. 94.

¹⁴⁸ *RCH*, p. 85, nos. 142-143, 147-151.

¹⁴⁹ Harbison, 'The wars of Thomond', pp. 102-3.

Cork to pay customs because of the danger of travelling between the two ports.¹⁵¹ Though this was probably an excuse put forward to avoid being subject to Cork customs officials, there must have been enough substance to the request to give it a veneer of truth. Gerald fitz Maurice also came into conflict with one of his Irish allies, Diarmait Mac Carthaigh, during the 1370s, but the details of this dispute are unclear and it will be discussed in a later chapter.¹⁵²

The Uí Bhriain¹⁵³



¹⁵⁰ *RCH*, p. 86, nos. 21-2; p. 102, no. 73.

¹⁵¹ *RCH*, p. 93, no. 131.

¹⁵² See Chap. 4, pp. 220-2.

¹⁵³ *NHI*, ix, p. 152 (except where noted). The numbering of kings matches that used in *NHI*.

¹⁵⁴ A. Nic Ghiollamhaith, 'Kings and vassals in later medieval Ireland', Barry, Frame, and Simms (eds) *Colony and Frontier in Medieval Ireland* (London, 1995) pp. 211-12; 'Annals of Nenagh', D.F. Gleeson (ed.) *AH*, 12 (1943) p. 160. See Chap. 4, p. 230.

¹⁵⁵ Parker, 'Politics and Society', pp. 146-7; *Caithréim Thoirdhealbhaigh*, S.H. O'Grady (ed.) *ITS*, 26-7 (London, 1929) i, p. 172/ii, p. 182; *An Leabhar Muimhneach Maraon le Suim Aguisíní*, T. Ó Donnchadha (ed.) (Dublin, 1940) p. 360; Curtis, *Richard II*, p. 91.

Brian Ó Briain continued to escalate his attacks on the Anglo-Irish during the later 1370s. Though Toirdhealbhach drove Brian from power briefly in 1375, Brian seems to have regained control shortly thereafter and the Uí Bhriain continued to raid western Munster. The Anglo-Irish continued to refer to Toirdhealbhach as 'captain of his nation', but at best he led a minor faction. In 1377, Brian Ó Briain's raiding posed enough of a threat that the justiciar once more planned an expedition against him. To this end, Desmond and Toirdhealbhach Ó Briain were summoned to Cork but there is no record of this expedition if it occurred. It was certainly not successful in restoring Toirdhealbhach as king of the Uí Bhriain but he was later retained in king's service as his Anglo-Irish allies had been unable to follow through on promises of support.¹⁵⁶

Early in the 1380s, the Uí Bhriain of Arra, Brian Bán Ó Briain's lineage now led by his son Murchadh Ó Briain, once again turned their attention on Limerick. Just before his death in 1381, Edmund Mortimer had led a successful campaign against them,¹⁵⁷ and Uí Bhriain of Arra turned their attention away from Limerick until the 1390s.¹⁵⁸ The following spring Brian Sreamhach again turned his attention to Munster; during the confusion following the death of the earl of March he led a substantial campaign into Munster. The threat was great enough that Gerald fitz Maurice received 200 marks for the defence of south-west Munster but it seems he was able to repulse Ó Briain sometime before mid April.¹⁵⁹

The next year, Ireland was again swept by plague and the Irish of Thomond and Kerry seem to have fared worse than usual. Murchadh Ó Briain, son of Brian Bán, and 'the daughter of Ó Briain'¹⁶⁰ both died of the plague, as did Donnchad, the head of the Uí Chonchobair Ciarraige-Luachra.¹⁶¹ But this does not seem to have brought about a lull in the conflict in Munster. Philip Courtenay, the new justiciar, arrived in September

¹⁵⁶ Otway-Ruthven, *Med. Ire.*, pp. 310-11.

¹⁵⁷ *AU*, iii, 1382; *AFM*, iv, 1382.

¹⁵⁸ See below, p. 137.

¹⁵⁹ *RCH*, p. 114, nos. 189-90.

¹⁶⁰ This probably refers to a daughter of Brian Sreamhach.

¹⁶¹ *AFM*, iv, 1383.

and organised a campaign from Kilmallock in January 1384.¹⁶² This campaign not only failed to achieve results but seems to have prompted Ó Briain to join forces with Irish of Munster, Connacht, and Leinster and Ó Briain had to be paid 100 marks to bring him to peace.¹⁶³ This campaign's failure may have been due, at least in part, to another outbreak of conflict between Ormond and Desmond.¹⁶⁴

On this occasion, Ó Briain seems to have remained at peace. He is unlikely to have been swayed by a trivial 100 marks but several other factors may have resulted in this cessation of violence. The most important of these other factors was probably Irish politics. In 1386 we find much of Connacht, both Irish and gaelicized Anglo-Irish, embroiled in a conflict.

1386 O'Conchobhair Ruadh, together with all the Connachtmen he got *to join him*, went to assist Mac William Burk against Domhnall, son of Muirchertach, and the Clann-Donnchaidh; and they carried off great preys from Tir-Fiachrach-Muaidhe. And they went afterwards into the territory of Clann-Rickard on a predatory incursion, when they were overtaken by an innumerable army, including O'Briain and Mac William of Clann-Rickard. O'Conchobhair Ruadh turned upon them, and routed them; and Conchobhar, son of Tadhg, son of Conchobhar O'Briain, was slain there, et alii multi.¹⁶⁵

This lull, which did not extend outside Munster, came at an ideal moment for the Anglo-Irish of Munster, as political disputes and feuds in England and Ireland led to considerable difficulties during the second half of the 1380s. For Munster, the most pressing of these was the Desmond/Ormond feud which flared up again in 1384 and 1387 requiring government intervention in both instances.¹⁶⁶

Another factor in Ó Briain's apparent peaceful relations with the lordship seems to have been improving relations with the earl of Desmond. In part, this shift might represent a willingness by both parties to compromise as they aged in their respective posts. Gerald fitz Maurice was withdrawing from active politics around this time and allowing his son to act for him.¹⁶⁷ Brian Sreamhach may also have had similar concerns

¹⁶² Otway-Ruthven, *Med. Ire.*, p. 317.

¹⁶³ *RCH*, p. 123, no. 31; Lydon, *Lordship*, p. 228 [2nd p. 164]; Otway-Ruthven, *Med. Ire.*, p. 317.

¹⁶⁴ See below, pp. 130-1.

¹⁶⁵ *ALC*, ii, 1386; *AFM*, iv, 1386.

¹⁶⁶ See below, pp. 130-1.

¹⁶⁷ See below, p. 136.

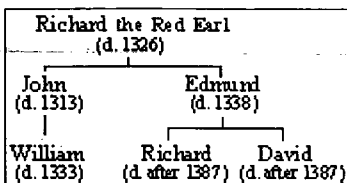
about his mortality: in the early 1390s he sought and received a grant of plenary remission at his time of death from the pope.¹⁶⁸ However, the upheaval in Gaelic politics in Connacht was probably the main cause for Brian Sreamhach's interest in restoring peace on his southern borders. The nature of any negotiations or agreements brokered at this time are unknown, but in 1388 Gerald fitz Maurice obtained royal permission to foster his third son, James (the future seventh earl of Desmond), with Conchobhar Ó Briain, the brother of Brian Sreamhach Ó Briain of Thomond.¹⁶⁹

Disputes and Feuds

The disruption in Munster caused by the Uí Bhriain was also compounded by feuding among the Anglo-Irish. Gerald fitz Maurice came into conflict with the Burghs of Limerick during the 1370s. Tresham was able to calendar only a portion of the document, but it is clear that Gerald fitz Maurice and others came into conflict with Richard and David Burgh¹⁷⁰ sometime before April 1377 when the government took interest in the dispute. It is unclear who else was involved in the dispute, but it and the general warfare in Munster were deemed sufficient to prevent William Tanny, prior of Kilmainham and chancellor of Ireland, and Alexander Petit, the bishop of Ossory and treasurer of Ireland, from departing for England to inform the king about the situation in Ireland.¹⁷¹ This Richard Burgh had put his seal to an indenture of retinue with the earl of Ormond in 1356,¹⁷² but this dispute was probably not a symptom of Desmond/Ormond feud (discussed below) as a later indenture (1360) required Richard to swear not to seek revenge for the legal actions Ormond took against his brother David, a felon.¹⁷³ Clearly the relationship between Richard Burgh and the earl of Ormond was not entirely

¹⁶⁸ *Papal Registers: Letters*, iv, p. 488.

¹⁶⁹ *RCH*, p. 139, no. 82; Nicholls, *Gaelic Ireland*, p. 163 [2nd p. 192]; E. Curtis, *A History of Medieval Ireland from 1086-1513* (London, 1938) p. 234.

¹⁷⁰ A genealogical chart showing the lineage of Richard the Red Earl. At the top is 'Richard the Red Earl (d. 1326)'. A horizontal line below him connects to two vertical lines leading down to 'John (d. 1313)' and 'Edmund (d. 1338)'. Below 'John' is a vertical line leading to 'William (d. 1333)'. Below 'Edmund' is a horizontal line connecting to two vertical lines leading down to 'Richard (d. after 1387)' and 'David (d. after 1387)'.

¹⁷¹ *RCH*, p. 102, no. 75; p. 103, no. 91.

¹⁷² *COD*, ii, pp. 23-4, no. 37.

congenial either. It is more likely that the conflict resulted from the third earl's efforts to expand his lordship eastward in Limerick or further felonious behaviour by David Burgh.

Otway-Ruthven suggests that the dispute was over by June 1377 when Gerald fitz Maurice was summoned for service,¹⁷⁴ but there is some indication that the dispute continued. For instance, in 1381, William Cokesy was paid 56 shillings for travelling to Clonmel to negotiate between the two parties.¹⁷⁵ Unfortunately there is no indication of when he made this trip. Harbison claims that talks between the two were a failure because Desmond refused to take part; unfortunately she gives no indication of her source.¹⁷⁶

Gerald fitz Maurice also found himself at odds with the earl of Ormond around this time. Gerald had married Eleanor, the eldest daughter of James Butler, second earl of Ormond in 1359,¹⁷⁷ but this alliance did little to maintain peace between the two formerly allied families; Gerald and the second and third earls of Ormond were engaged in a violent feud during the last quarter of the fourteenth century. The feud is first mentioned in 1380 by Richard Wye, bishop of Cloyne (1376-94) and at about the same time a son of one of the earls paid a fine to return to the king's peace.¹⁷⁸ However, the feud must have begun sometime earlier than this because Wye's comments concerning the feud - 'There are two in Munster who destroy us and our goods...' - would seem to indicate ongoing violence.¹⁷⁹ Two dates, 1372 or 1377, may mark the start of this feud but to understand why we must first look at the possible causes of the conflict.

¹⁷³ *COD*, ii, p. 56, no. 61.

¹⁷⁴ Otway-Ruthven, *Med. Ire.*, p. 310; *RCH*, p. 101, nos. 52-3.

¹⁷⁵ *RCH*, p. 108, no. 46.

¹⁷⁶ Harbison, 'The wars of Thomond', p. 105.

¹⁷⁷ *CPR*, 1358-61, p. 246; *CCR*, 1354-60, p. 576.

¹⁷⁸ NAI RC 8/33, p. 359. The calendar of the Irish memoranda rolls tells us that Thomas son of the earl of Desmond paid a fine to return to the king's peace but this may be an error. We know that the earl of Ormond had a son Thomas but this is the only reference to Gerald having a son named Thomas. There are also several instances in the RC 8 series where the transcribers mistranscribed *com' Dormon* as *com' Desmon* (NAI RC 8/29, pp. 358, 362). It is therefore possible that this reference might refer to Thomas, son of James Butler rather than a hitherto unknown Thomas fitz Gerald.

¹⁷⁹ *COD*, ii, p. 169; pp. 168-82; Lydon, *Lordship*, pp. 199-200 [2nd pp. 131-3]; Otway-Ruthven, *Med. Ire.*, p. 314. It is interesting to note that Wye seems to have had a connection with Mortimer's retinue following Mortimer's death (*Parliaments and Councils*, i, p. 118). Most likely this connection dates from

Not surprisingly there is no information concerning the exact cause of the feud but two sources of friction from the first earl of Desmond's time remained and were probably responsible. The first probable cause of the dispute was Waterford. Following the decline of the le Poers after the death of Arnold and John le Poer in 1329, the earls of Ormond absorbed much of their retinue in Waterford,¹⁸⁰ making themselves a threat to Desmond's authority there and a competitor for influence in Waterford just as the le Poers had been sixty years earlier. James, second earl of Ormond may have used the minority and early death of Maurice fitz Maurice, second earl of Desmond, as well as the uncertainty that followed his death, to expand Ormond influence in Waterford even further - for instance the earl of Ormond's indenture with Geoffrey fitz John le Poer was made in 1356.¹⁸¹ Parker has suggested that the revitalisation of this feud in the 1390s was because the Geraldines once again took an active interest in Waterford,¹⁸² but the suggestion that the third earl ignored his substantial lands in Waterford for most of his career is neither plausible nor borne out by events. Gerald and his son John undoubtedly did take a more direct role in Waterford after 1390 but this was not due to a previous lack of interest but rather the presence of Thomas fitz John in the region until his death around 1390. It seems far more likely that friction over Waterford had played a part from the beginning. The other source of friction was the Geraldine lands in the Ormond liberty of Tipperary. A court case in the 1350s had, it seems, established that the Geraldine lands in Tipperary were not part of the liberty,¹⁸³ but they were made a part of the liberty in 1355 by royal grant.¹⁸⁴ This decision was also confirmed in June 1372,¹⁸⁵ probably because it was becoming a point of contention between the two earls.

after his comments, suggesting Mortimer took them seriously. However, it is also possible that Wye already had some connection with Mortimer, suggesting that there may have been a political motivation behind his comments.

¹⁸⁰ C. Parker, 'The Politics and Society of County Waterford in the Thirteenth and Fourteenth Centuries', Ph.D. thesis (TCD, 1992) pp. 27, 30, 211.

¹⁸¹ *COD*, ii, p. 26, no. 39.

¹⁸² Parker, 'Politics and Society', pp. 308, 360.

¹⁸³ The need for and the wording of the 1355 grant suggests that Desmond must have won the case (*CCR*, 1349-54, pp. 7, 319; *CPR*, 1354-8, p. 328; *COD*, iii, pp. 376-7, no. 348).

¹⁸⁴ *CPR*, 1354-8, p. 328; *COD*, iii, pp. 376-7, no. 348.

¹⁸⁵ *COD*, iii, pp. 376-9, no. 348.

One further possible point of contention was the lordship of Inchiquin. From the first earl's forfeiture in 1346 until 1422, when the earl of Ormond named James fitz Gerald, seventh earl of Desmond 'keeper, governor and supervisor of all the baronies and lordships of [Inchiquin], [Imokilly] and the town of [Youghal]',¹⁸⁶ there is no evidence of Desmond Geraldine activities or interest in the lordship of Inchiquin. However, the earl of Ormond received one quarter of the lordship in 1367 and a further quarter in 1369.¹⁸⁷ If Gerald fitz Maurice did have an interest in the region, Ormond's seisin of the lordship would have been a strong point of contention.¹⁸⁸ But even without direct Geraldine interest in the lordship, it still could have been a point of contention: the earl of Ormond now had a strong influence to the east of Dungarvan and a substantial lordship to the west.

Ormond's presence, as justiciar, in Cork and Youghal for much of the summer of 1377 may have aggravated a situation already made tense by these disputes in Waterford, Tipperary and possibly Cork.¹⁸⁹ Equally, the situation in the 1390s may have been complicated by James, earl of Ormond's affair with his niece Katherine, the daughter of Gerald fitz Maurice.¹⁹⁰

The Dublin government repeatedly tried to bring about an end to this feud. In October 1384, Alexander Petit bishop of Ossory and treasurer of Ireland, Thomas le Reve bishop of Lismore and Waterford, and Maurice fitz Thomas earl of Kildare were ordered to 'restore agreement' between the two magnates¹⁹¹ and in November of that year Patrick de la Freign, received 100 shillings for his part in negotiations with

¹⁸⁶ *COD*, iii, pp. 38-9, no. 51. The lordship was then granted to James's son and heir, Thomas, in 1429 (*COD*, iii, pp. 72-3, no. 88); Otway-Ruthven, *Med. Ire.*, p. 359.

¹⁸⁷ *COD*, ii, pp. 101-2, no. 134; p. 107, no. 145; pp. 113-4, no. 151; *COD*, iii, p. 381, no. 350, deeds 1-3; Frame, *English Lordship*, pp. 59-60. The earl of Ormond also gained another quarter in 1413 (S.H. Harbison, 'The Absentee Problem in Waterford and East Cork during William of Windsor's Administration, 1369-1376', *Decies*, 23 (1983) p. 14).

¹⁸⁸ Otway-Ruthven, *Med. Ire.*, p. 339, n. 2.

¹⁸⁹ Otway-Ruthven, *Med. Ire.*, pp. 305, 310-311.

¹⁹⁰ *RCH*, p. 179, nos. 17-18. Nicholls gives both a rather sordid version of events from a seventeenth century genealogy and a summary of the documentary evidence (Nicholls, *Gaelic Ireland*, pp. 75-6 [2nd p. 86]).

¹⁹¹ *RCH*, p. 121, no. 77.

Ormond and Desmond, possibly as a part of the same expedition.¹⁹² By March 1387 the quarrel had again drawn the attention of the Dublin government and the earl of Kildare was dispatched to reconcile the two magnates;¹⁹³ he seems to have been successful.¹⁹⁴ This dispute flared up again around the time the third earl's son, John, was sheriff in Waterford. Probably in 1396,¹⁹⁵ John killed Thomas Butler, the brother of the earl of Ormond. This resulted in a brief war between the retinues of the two men but Desmond paid 800 marks to the earl of Ormond for his brother's death to restore peace.¹⁹⁶ Desmond was threatened with severe consequences should anything similar happen again.¹⁹⁷ There is no record of further violence during the third earl's lifetime but in 1399 the dispute erupted again. During Richard II's second expedition to Ireland, he seized the castle of Dungarvan. John fitz Gerald blamed Ormond for this and raided his lands in Caher, Co. Tipperary,¹⁹⁸ apparently with the aid of Art Mac Murchadha.¹⁹⁹ Peace was temporarily restored, but John drowned crossing the Suir.²⁰⁰ More violence followed quickly.²⁰¹

The serious impact of this dispute for those living in Munster was made clear by Richard Wye, bishop of Cloyne. As was mentioned above, on 13 December 1380 and for several days afterwards, Richard Wye verbally attacked the two earls while saying mass, stating that 'there are two in Munster who destroy us and our goods, namely the earl of Ormond and the earl of Desmond with their followers, whom in the end the Lord will destroy, through Jesus Christ our Lord, amen.'²⁰² He was found guilty of slander and, because he had replaced a portion of the text of the mass, he was also charged with

¹⁹² *RCH*, p. 122, no. 28.

¹⁹³ Otway-Ruthven, *Med. Ire.*, p. 320.

¹⁹⁴ See below, p. 137.

¹⁹⁵ The annals (Nicholls, 'Late Medieval Irish Annals', pp. 90-2) do contain some dating errors, but overall the dates seem fairly reliable.

¹⁹⁶ Nicholls, 'Late Medieval Irish Annals', p. 90; Parker, 'Politics and Society', p. 308; D.B. Johnston, 'The interim years: Richard II and Ireland, 1395-1399', Lydon (ed.) *England and Ireland in the Later Middle Ages* (Dublin, 1981) p. 183.

¹⁹⁷ Johnston, 'The interim years', p. 183.

¹⁹⁸ Nicholls, 'Late medieval Irish Annals', p. 92; Parker, 'Politics and Society', p. 308.

¹⁹⁹ *Proc. King's Council, Ire.*, 1392-3, pp. 261-2; Otway-Ruthven, *Med. Ire.*, p. 339; Lydon, *Lordship*, p. 239 [2nd p. 176].

²⁰⁰ Nicholls, 'Late medieval Irish Annals', p. 92; Parker, 'Politics and Society', p. 308.

²⁰¹ *ALC*, ii, 1402; *AFM*, iv, 1402; *AU*, iii, 1403.

heresy. He must have known this would be the result but he also may have felt it was the only way to make the situation clear to the king's lieutenant in Ireland, Edmund Mortimer, who was in the congregation.²⁰³

The ramifications of this feud for the military defence of southwest Ireland may have been severe as well. In the winter of 1384, the Dublin government made a significant attempt to restore peace between Desmond and Ormond following the apparent disruption of a campaign against the Uí Bhriain by a flare-up of this feud: their feud seems to have impacted upon both the effectiveness of the spring campaign and the government's ability to resist continued hostility from the Uí Bhriain.²⁰⁴ When the feud flared up again in 1396, the crown displayed a great deal of concern and outrage. Richard II's draconian threat to 'inflict such punishment that all of our said land shall take it for an example'²⁰⁵ if Desmond's adherents or lineage stirred up further trouble is a good indication that this was seen as a serious threat to the colony.²⁰⁶

The feud between Ormond and Desmond did not, however, prevent them from being asked to take part in the government of Ireland. When Edmund Mortimer, earl of March and the king's lieutenant of Ireland, died on 26 December 1381, a council was called at Cork on 9 January to appoint a justiciar until the king assigned a successor.²⁰⁷ Despite the ongoing conflict between the two,²⁰⁸ both were offered the justiciarship.²⁰⁹ Both Ormond and Desmond refused the office, ostensibly because of the instability of their own marches. Presumably, both were also wary of the considerable cost of holding the office. The position was hardly lucrative at the best of times and, in this instance, they probably would have had to pay the wages of the late earl of March's considerable retinue and household. On 10 January, John Colton, archbishop of Armagh and

²⁰² *COD*, ii, p. 169; pp. 168-82, no. 245.

²⁰³ *COD*, ii, p. 168-82, no. 245; Lydon, *Lordship*, pp. 199-200 [2nd pp. 131-2]; Otway-Ruthven, *Med. Ire.*, p. 314. See above, p. 128, n. 179.

²⁰⁴ Otway-Ruthven, *Med. Ire.*, p. 317; Lydon, *Lordship*, pp. 228, 230 [2nd pp. 163-5].

²⁰⁵ Johnston, 'The interim years', p. 183.

²⁰⁶ Johnston, 'The interim years', p. 183.

²⁰⁷ *Parliaments and Councils*, i, pp. 115-20, no. 66.

²⁰⁸ *COD*, ii, pp. 168-9, no. 245.

²⁰⁹ *Parliaments and Councils*, i, pp. 117-8, no. 66.

chancellor, accepted the office but only on the condition that a parliament would be called to replace him and to meet the financial demands put forward by Thomas Mortimer, who commanded Edmund Mortimer's retinue.²¹⁰

John Colton served as justiciar until 3 March when another council was held at Naas. In January, the seven year old Roger Mortimer, fourth earl of March was appointed as justiciar.²¹¹ The council held at Naas appointed Thomas Mortimer, Roger's uncle and commander of the late third earl of March's retinue as his deputy.²¹²

Patronage and Office

Gerald fitz Maurice once again begins to turn up in government records during the 1380s but, unlike his bout of service early in his career, the clear intention was to utilise his authority in Munster to maintain stability. Early in 1382 Gerald fitz Maurice, along with Walter Coterell, Patrick Fox and William Bernard, was ordered to inquire into sedition and assizes of novel disseisin in Cork, Limerick and the crosslands of Kerry,²¹³ but this commission is not really the beginning of a new trend as another four years of silence follow it. After 1386, however, Desmond began to receive not only a greater official role in defending Munster but also a greater amount of patronage. The gap between his period as justiciar and his appointments in 1386 and beyond have proved difficult to explain. Richardson and Sayles' suggestion that this lull was due to the Ormond/Desmond feud does not work:²¹⁴ the feud was not settled by this point and there is no change following its 1387 flare-up. Another possibility is that the change had to do with Robert de Vere's position in Ireland after December 1385, but the 1386 grant seems to come before he had taken control. There are gaps in both the memoranda rolls

²¹⁰ Frame, *English Lordship*, p. 337; Otway-Ruthven, *Med. Ire.*, p. 315-16; Lydon, *Lordship*, pp. 229-30 [2nd pp. 164-5]; *Parliaments and Councils*, i, pp. 115-20, no. 66; *RCH*, p. 111, nos. 39, 75.

²¹¹ *RCH*, p. 112, no. 87.

²¹² Otway-Ruthven, *Med. Ire.*, p. 316.

²¹³ *RCH*, p. 114, no. 200; p. 115, no. 204. Four years later, we also learn that 'Ger' f' Morice' had been acting as the sheriff of the crosslands of Kerry (*RCH*, p. 125, nos. 114-5) however, this was probably not the earl of Desmond: in 1381 one 'Ger' f' Mathie f' Morice' had been appointed to the office and it was probably this Gerald who was replaced (*RCH*, p. 113, nos. 161-2).

²¹⁴ Richardson and Sayles, *The Irish Parliament*, pp. 34-5.

and the Irish patent and close rolls during this period,²¹⁵ but these gaps are insufficient to argue for a lack of surviving evidence. Nor do Gerald's appointments as keeper of the peace reflect a general shift in the appointments of keepers of the peace: none of his fellow earls held the post during this period.²¹⁶ There seems to be only one obvious explanation: the restoration of peace with the Uí Bhriain. It seems likely that the offices and patronage Gerald fitz Maurice received at this time were recognition and reward for restoring 'peaceful' relations between Brian Sreamhach and the Anglo-Irish of Munster.

Early in 1386 Gerald fitz Maurice and Robert Tame, sheriff of Co. Cork, received orders to act as Philip Courtenay's deputies 'for the defence of Munster'. This grant was not intended to make either a deputy justiciar, but rather represented the delegation of the defence of Munster to Desmond while Philip was in England and Ormond was acting as justiciar but busy in Leinster.²¹⁷ Gerald's official role in the defence of southwest Munster was further defined over the next few years. Between 1387 and 1391, Gerald fitz Maurice was repeatedly named as a keeper of the peace and also an overseer of the keepers of the peace in Limerick and Kerry.²¹⁸ In 1391, Cork was added as well.²¹⁹

From the period when Robert de Vere was marquess of Dublin and duke of Ireland (1385-8) onwards, 'royal grants' to the earl of Desmond were not limited to additional responsibilities and there is some indication that he even received some monetary return for his service in Munster. Sometime in 1386 he was granted forty pounds by Robert de Vere's chief governor in Ireland as a gift because of 'certain great expenses which the said earl sustained in parts of Munster'.²²⁰ It is possible that this was not the only instance of such gifts being made to Desmond to defray the cost of

²¹⁵ *RCH*, p. xiii; see the Irish Record Commission Index in the National Archives, Ireland for a similar list of memoranda rolls extant when they were calendared.

²¹⁶ Frame, 'Commissions of the peace in Ireland, 1302-1461', *AH*, 35 (1992) pp. 1-43.

²¹⁷ *RCH*, p. 127, no. 238; Otway-Ruthven, *Med. Ire.*, p. 320.

²¹⁸ *RCH*, p. 137, no. 214; p. 141, no. 217; p. 142, no. 239; p. 149, nos. 87, 94; Frame, 'Commissions', *AH*, 35 (1992) p. 14.

²¹⁹ *RCH*, p. 149, nos. 87, 94; Frame, 'Commissions', p. 10.

²²⁰ *Proc. King's Council, Ire.*, 1392-3, pp. 126-8, no. 113. The date of the grant is specified as 'in the time of the Marquis of Dublin', so it probably dates to before de Vere's creation as duke of Ireland.

continually defending against Irish encroachment. Only one other instance has been recorded: as was mentioned above, in 1382 Desmond was granted 200 marks towards the defence of Munster.²²¹ However, information concerning the 1385/86 grant has only survived because it was to be paid in part from the farm of Cork and the officials of that city refused to surrender the funds to Desmond.²²² It is therefore both possible and likely that further grants were made and record of them has just not survived.

In addition to these financial rewards, he also received a limited amount of patronage. In 1387 he received custody of his nephew John de la Roche's land due to the minority of John's heir.²²³ In September 1391, a number of men were pardoned of sedition at Desmond's request: Philip son of William Barry, John son of William Barry and Geoffrey son of David White and Oliver Lees, as well as John Mareschall of Kyll in June 1392.²²⁴ The pardons do not note the acts committed to require them, but it is possible that these men's offences were committed in the context of the Ormond/Desmond feud.

It was also at this time, just prior to Richard II's first trip to Ireland, that Gerald fitz Maurice's eldest son began to receive patronage in his own right. At John fitz Gerald's request, William O'Molcorkeran, cleric, was granted an annual pension in 1391.²²⁵ In January 1393, the justiciar and council also granted John fitz Gerald a commission to organise and defend convoys of supplies to the cities of Cork and Limerick and the town of Youghal in return for the 'customary fees'. John was also appointed sheriff of Co. Waterford the following month apparently at the request of the community of the county.²²⁶

In January 1393, John also requested 'a charter of pardon of all manner [of] felonies, treasons and trespasses... against the peace of our said lord the king, and also

²²¹ *RCH*, p. 114, no. 189-90.

²²² *Proc. King's Council, Ire.*, 1392-3, pp. 126-8, no. 113.

²²³ *RCH*, p. 133, no. 92; *Pipe Roll of Cloyne*, p. 183.

²²⁴ *RCH*, p. 148, nos. 29-33.

²²⁵ *RCH*, p. 149, nos. 85-6.

²²⁶ *Proc. King's Council, Ire.*, 1392-3, pp. 120-2, no. 109; pp. 155-6, no. 133.

outlawries' for one of his men, Richard Mason.²²⁷ More interestingly, on the same day

John was seeking his own pardon for a multitude of sins:

To you, lord Justice and Council of our Lord the king in Ireland, prays John of Desmond, son of the Earl of Desmond, that it may please you, of the king's special grace and for the good service which the said John has done to our lord the king and will do in time to come, to grant him a charter of pardon for all manner of trespasses, felonies, and also of conspiracies, confederacies, champarties, falsities, false allegations, murders, arsons, adherence to enemies or rebels, contempts, concealments, rebellions, receiving, negligence, deceits, extortions, oppressions, and other trespasses and excesses whatsoever by him committed against the peace as well in the time of our lord the king that now is as in time of King Edward, grandfather to our Lord the King that now is; and also of forfeiture of his lands, tenements, goods and chattels, if any to our lord the king thence appertain; and of outlawries, if any may be pronounced against his person for the causes aforesaid.

Indorsement. Let the supplicant have a charter of pardon of the points within contained, according to the tenor of this petition, of the king's special grace and for his good service to our said lord the king done or to be done, by letters patent &c. Given at Kilkenny, the twenty-ninth day of January, the year &c.²²⁸

This pardon, like the others mentioned above, should probably be assumed to relate to John's part in his father's dispute with the earl of Ormond. There is no evidence for John playing an active role in the dispute until 1396,²²⁹ but the pardon suggests he was active prior to the death of Edward III and his later actions suggest he was a bit of a firebrand so it would be surprising to find him guiltless in the affair until 1396.

At about this same time, Desmond's wife died and his poetry reveals that he deeply mourned her death.²³⁰ Gerald, himself, may also have been unwell. Though he lived until 1398, John seems to have taken over much of Gerald's responsibility in Desmond and the lordship of Ireland at this point. It is unfortunate that Desmond's poetry cannot be dated precisely as one of his poems speaks of his own impending death.²³¹ It may be that his own health was declining at this time. It is possible that, with his wife's death and the push of his own mortality, Gerald sought to bring his son back into the royal fold to ensure his succession.

²²⁷ *Proc. King's Council, Ire., 1392-3*, p. 142, no. 122.

²²⁸ *Proc. King's Council, Ire., 1392-3*, pp. 147-8, no. 125.

²²⁹ See above, p. 131.

²³⁰ *ALC*, ii, 1392; *AFM*, iv, 1392; Mac Niocaill, 'Duanairé Ghearáid Iarla', poem 21, pp. 40-1.

²³¹ Mac Niocaill, 'Duanairé Ghearáid Iarla', poem 19, pp. 37-8.

This pardon is also further evidence that the two earls had been reconciled after the Ormond/Desmond feud flared up in 1387: Ormond was the justiciar who issued this charter!

Richard II in Ireland

With continuous unrest in Ireland and constant reports of the lordship's decline, it should not come as too great a surprise that in 1394 Richard II made the decision to do what no English king had done since 1210 - go to Ireland. Leading up to this visit, the situation in Munster remained relatively unchanged; Irish raiding continued to be a problem though the main protagonists had changed once again. It was once more necessary to summon the royal service to Munster because the descendants of Brian Bán were again raiding into Munster and Leinster and the *Annals of the Four Masters* report the burning and plundering of Co. Limerick.²³²

Preparations had begun in Ireland by mid-summer 1394 for the king's arrival. On 16 June, a number of magnates including the earl of Desmond were ordered to proclaim 'that no victuals were to leave Ireland until the king arrived'.²³³ Three months later the king sailed for Ireland. He arrived in Waterford on 2 October and summoned a parliament in Dublin for 1 December.²³⁴

With the arrival of Richard II in Ireland, almost all the Irish and 'rebel English' submitted but only after a considerable show of force.²³⁵ To a certain extent, this process of submission was probably organised at the December parliament, but the actual negotiations and submissions were carried out early the next year throughout the whole of the lordship. Many of the Anglo-Irish magnates and prelates took part, acting as go-betweens or translators.²³⁶ The earl of Desmond himself seems to have had only a small role in orchestrating these submissions, with his son, John, taking on the duties of negotiating and translating. It has commonly been accepted that Desmond played an

²³² *AFM*, iv, 1394; Otway-Ruthven, 'Royal Service', p. 45; Otway-Ruthven, *Med. Ire.*, p. 326.

²³³ *CCR*, 1392-6, pp. 219-20.

²³⁴ Otway-Ruthven, *Med. Ire.*, pp. 327-8.

²³⁵ J.F. Lydon, 'Richard II's expeditions to Ireland', *JRSAL*, 93 (1963) p. 146.

equal role with Ormond and the other Anglo-Irish magnates,²³⁷ but the records indicate that John fitz Gerald actually carried out the work even if it had been assigned to his father, the earl. John was involved in the submission of Malachy Ó Ceallaigh (O'Kelly) and also acted as interpreter for Dermot Ó Conchobhair of Offaly and Cormac Ó Maoilsheachlainn (O'Melaghlin).²³⁸

Naturally, there were politics at work behind these efforts. For instance, the Uí Ceallaigh were based in Connacht north of Thomond and well outside Desmond's usual sphere of influence, but the Uí Ceallaigh would have been unwilling to trust Ormond as he was using the king's arrival as an opportunity to put forward land claims against numerous Irish dynasties, including the Uí Ceallaigh and the Mic Charthaigh Mór.²³⁹ Desmond's former hostility to Ormond would probably have made him a more acceptable envoy to Ormond's opponents. Curtis assumed that John fitz Gerald also facilitated the submission of Tadhg Mac Carthaigh Mór.²⁴⁰ This would hardly be surprising considering the long-standing relationship between the earls of Desmond and the Mac Carthaigh Mór but it is never explicitly stated. Despite recent peaceful relations between Desmond and the Uí Bhriain of Thomond, it was Ormond who brought in Brian Sreamhach Ó Briain.²⁴¹ This may suggest that Brian Sreamhach still distrusted Gerald or perhaps Gerald was attempting to put forward family claims to land in Thomond just as the earl of Ormond was doing in Connacht.

Unfortunately, this apparent new order began to collapse soon after Richard's departure. This was not, as has often been assumed, due entirely to the Irish shrugging off promises made to a now-distant king but also because of the failure of the Anglo-Irish and the crown government in Ireland (freshly returned to Dublin from Carlow) to

²³⁶ E. Curtis, *Richard II in Ireland 1394-95 and the submissions of the Irish Chiefs* (Oxford, 1927) pp. 30, 39-41, 68, 76-7; Johnston, 'The interim years', p. 183.

²³⁷ Curtis, *Medieval Ireland*, p. 268; Curtis, *Richard II*, p. 30; Otway-Ruthven, *Med. Ire.*, p. 331.

²³⁸ Curtis, *Richard II*, pp. 43, 103-4, 122-3, 203-4.

²³⁹ Curtis, *Richard II*, pp. 68, 39.

²⁴⁰ Curtis, *Richard II*, pp. 30, 39-41.

²⁴¹ Curtis, *Richard II*, p. 40.

honour their side of the agreements.²⁴² Had Richard II been able to remain in Ireland or maintain even a significant fraction of his considerable army to enforce the agreements reached in 1394-5 (as well as to continue arbitrating unsettled disputes), the effects would no doubt have been more substantial. As it happened, the new order collapsed slowly over the next few years as the troops and financial backing were withdrawn.²⁴³

Richard II's actions in relation to Ireland were also a very real threat to Gerald fitz Maurice. Richard II attacked his landholdings in Waterford and introduced another magnate into the south-west by creating the earldom of Cork. Little is known of either the inquiry into Desmond's tenure in Dungarvan or the creation of the earldom of Cork but, in a worst case scenario, these policies could have all but ruined the earldom.

While in Ireland, Richard II naturally pursued his own rights, particularly those on the verge of being lost such as lands and castles which the Anglo-Irish had appropriated whether purposefully or through ignorance. Not surprisingly, one of these cases involved Desmond. During the winter of 1394-95, the king called on Desmond to prove his rights to the castle, manor, and honor of Dungarvan.²⁴⁴ Desmond had significant land holdings in Dungarvan²⁴⁵ and he held them by a 1292 grant from Edward I, made specifically to clarify the Desmond Geraldines' hold on Dungarvan.²⁴⁶ A sweep of the records by royal clerks in Dublin might have netted the thirteenth-century disputes but either missed or ignored the resolution. The castle, however, was a royal castle and not part of the manor: as recently as 1369, Desmond had been said to hold *the king's* castle of Dungarvan.²⁴⁷ But this may indicate an almost hereditary hold on the castle: the Desmond Geraldines seem to have held the castle from at least 1284 until beyond this period.²⁴⁸ The only suggestion that the Desmond Geraldines had a

²⁴² Johnston, 'The interim years', pp. 175-95. D.B. Johnston, 'Richard II and the submissions of Gaelic Ireland', *IHS*, 22 (1980) p. 20; Lydon, 'Richard II', p. 147; A. Tuck, *Richard II and the English Nobility* (London, 1973) pp. 176-7.

²⁴³ Johnston, 'The interim years', pp. 178-9, 181.

²⁴⁴ *RCH*, p. 153, no. 3.

²⁴⁵ See Chap. 3, pp. 149-52, 155-6.

²⁴⁶ *CDI*, 1285-92, p. 464, no. 1051.

²⁴⁷ *CIPM*, xii, p. 299, no. 322.

²⁴⁸ *CDI*, 1251-84, p. 515, no. 2231; 44th Rep. *DKI*, pp. 25-6; *CIPM*, xii, p. 299, no. 322.

claim to the castle is the 1292 grant which fails to mention that Thomas fitz Maurice's custody of the castle was at the king's pleasure but this was because the 1292 charter was a regrant of Thomas's holdings which only gave limited details as they were to be held as they had been previously held.²⁴⁹ The prior grant, in 1284, was very explicit on this issue. As was discussed in the first chapter, Maurice fitz Thomas had held the advowson of the Dungarvan church but lost it in his second forfeiture.²⁵⁰ It had passed to the archbishopric of Cashel, but it was again revoked some time prior to 1378.²⁵¹ However, thirty-five years later it was once again in Desmond hands.²⁵² The king had also attempted to grant 'the castle or manor' of Dungarvan to William of Windsor in 1369.²⁵³ But since its value was listed as 200 marks, the farm of Dungarvan rather than its value, and it was being granted to pay royal debts to William, it seems likely that he was intended to receive the farm of Dungarvan rather than taking the land from Desmond's custody.²⁵⁴ All this would seem to indicate that Desmond did, indeed, rightfully hold the manor and honor of Dungarvan, but he almost certainly held the castle 'at the king's pleasure' even if it had 'pleased the king' for 110 years, three generations, and four kings. It seems likely that the Desmond Geraldines either forgot this or hoped the king would, and under the fourth earl the king had to seize the castle by force.²⁵⁵

In a letter from the late 1390s, Richard II reminded Gerald of the 'great favour' he showed him in 1395. Johnston has suggested that this 'great favour' was connected to Dungarvan.²⁵⁶ Her notion was that Desmond did not have a legally valid title to it but obtained one at this time. Her theory may be accurate even if her reasons were not. If the vastly truncated 1420-1 inquisition into Desmond landholdings is accurate, Gerald's

²⁴⁹ *CDI*, 1285-92, pp. 464-5, no. 1051.

²⁵⁰ Chap. 1, p. 66.

²⁵¹ PRO SC 8/102/5063; 'SC 8', *AH*, 34 (1987) p. 34 (mislabelled as SC 8/101/5063).

²⁵² SC 8/307/15344; *AH*, 34 (1987) p. 24.

²⁵³ *CPR*, 1367-70, p. 222.

²⁵⁴ Compare to A.F. O'Brien, 'The Development and Evolution of the Medieval Borough and Port of Dungarvan, County Waterford, c.1200 to c.1530' *JCHAS*, 92 (1987) p. 87.

²⁵⁵ Nicholls, 'Late Medieval Irish Annals', pp. 88, 92.

²⁵⁶ D.B. Johnston, 'Richard II and Ireland, 1395-9', Ph.D. thesis (TCD, 1976) pp. 134, 571-2.

descendants held by knight service alone,²⁵⁷ rather than by the 200 marks rent and one half knight service Gerald, his father and his grandfather had owed.²⁵⁸ Richard II's 'great favour' may have been to remit the rent of Dungarvan. O'Brien has suggested that the 1395 inquiry was due to a failure to pay the 200 marks rent and there are some signs of this in the records but perhaps less than one would expect.²⁵⁹ There were also plausible grounds for Gerald to request this adjustment: the declining value of the honor of Dungarvan demonstrated in the 1420-1 inquisition.²⁶⁰ However, there is no solid evidence of this remittance. Perhaps more interestingly, Dungarvan continued to be a sticking point in the fifteenth and sixteenth centuries despite the 1292 grant and any adjustments made in 1395.²⁶¹

The creation of the earldom of Cork is even more obscure. There is no patent of creation nor any indication of what was granted with the title. Sometime prior to 15 January 1395, Edward earl of Rutland, the son of the duke of York, had been given the title of earl of Cork.²⁶² Edward, who was a rising star in Richard's court at this time,²⁶³ was unlikely to have intended to base himself in Munster but his creation as earl of Cork, probably with some lands in the county and possibly with Co. Cork as a liberty, would not have been greeted with much pleasure by either the earl of Ormond or the earl of Desmond, both of whom had designs on Cork.²⁶⁴ It is also possible that his creation as earl of Cork, particularly if it was with a liberty in Cork, may have prompted the Mic Charthaigh of Muskerry's violent resistance to submission.²⁶⁵ It also adds a new dimension to the Mac Carthaigh Mór's statement that the earl of Desmond was his lord: it becomes a statement of intent. Mac Carthaigh Mór was not prepared to transfer his

²⁵⁷ NLI D 1571; *COD*, iii, p. 32, no. 45.

²⁵⁸ In 1329, his father had been pardoned this rent but only for his life.

²⁵⁹ NAI RC 8/30, pp. 517, 533; O'Brien, 'Dungarvan', p. 87.

²⁶⁰ NLI D 1571; *COD*, iii, p. 32, no. 45.

²⁶¹ O'Brien, 'Dungarvan', p. 87.

²⁶² Curtis, *Richard II*, p. 147; Johnston, 'Richard II and Ireland', p. 171; *Complete Peerage*, i, pp. 357-8; *Complete Peerage*, ii, p. 494; *Complete Peerage*, iii, pp. 418-19; *Complete Peerage*, xi, p. 252; *Complete Peerage*, XII, ii, pp. 898-905.

²⁶³ N. Saul, *Richard II* (Yale, 1997) p. 245.

²⁶⁴ Curtis, *Richard II*, p. 147; Johnston, 'Richard II and Ireland', pp. 105, 171; Tuck, *Richard II*, pp. 174-5; *Proc. King's Council, Ire., 1392-3*, pp. 266-7.

allegiance to a new overlord if that was what Richard II intended. In fact, none of this became an issue. Predictably, the new 'Anglo-Irish' magnate left with Richard II in 1395 and quickly ceased to have any connection with his earldom. As part of the new defensive network of garrisons set up in the lordship, a retinue remained in Cork under his name for over a year but under the authority of William le Scrope, the justiciar (jointly chief governor with the king's lieutenant, the earl of March). By January 1396, this last vestige was also gone - the Cork garrison was drawn back into Leinster.²⁶⁶ Edward, earl of Rutland and later duke of York, included the title 'earl of Cork' among his honours for the rest of his lifetime,²⁶⁷ and it only became extinct in 1415 when Edward was killed at Agincourt,²⁶⁸ but the last vestiges of the earldom disappeared with the Cork garrison.

At this point Desmond all but disappears from the records. He receives no more mention in the government records or annals until his death in 1398. The exact circumstances of his death have been lost in local mythology. It goes unmentioned by the Anglo-Irish annals, which had largely petered out by this point. However, the Irish annals note his death with glowing praise. The Annals of the Four Masters call him 'a cheerful and courteous man, who excelled all the English and many of the Irish, in the knowledge of the Irish language, poetry, and history, and of the other learning' and states that he 'died, after the victory of penance'.²⁶⁹ The Annals of Ulster are more brief, simply stating that 'Ireland was full [of the fame] of his knowledge'.²⁷⁰ The Annals of Clonmacnoise contain a longer obit:

The Lord Garrett earle of Desmond, a nobleman of wonderful bounty, mirth, cheerfulness in conversation, easie of access, charitable in his deeds; a witty and ingenious composer of Irish poetry, a learned and profound chronicler; and, in fine, one of the English nobility that had Irish learning and professors thereof in

²⁶⁵ Curtis, *Richard II*, pp. 123-4; Johnston, 'Richard II and Ireland', p. 109.

²⁶⁶ Johnston, 'Richard II and Ireland', pp. 180-1, 208-9, 311-14; Johnston, 'The interim years', p. 177.

²⁶⁷ Tuck, *Richard II*, p. 174.

²⁶⁸ *Complete Peerage*, XII, ii, pp. 904-5.

²⁶⁹ *AFM*, iv, 1398.

²⁷⁰ *AU*, iii, 1398.

greatest reverence of all the English of Ireland, died penitently after receipt of the Sacraments of Holy Church in due form.²⁷¹

Local mythology preserves several versions of his death. The most likely version of events is that he died at either Newcastle Oconyll, or Castleisland of old age.²⁷² Another version has him murdered by personal enemies or agents of Brian Sreamhach Ó Briain, again at either Newcastle Oconyll or Castleisland.²⁷³ However, the annals entries do not suggest a violent end, rendering this latter version of events unlikely. One of his own poems has probably given birth to a supernatural version of his death. The poem describes a vision of the poet entering a fairy mound beside a pond west of Kinsale where he is bound every night but freed each dawn.²⁷⁴ It seems likely that this poem is the origin of the story that Gerald fitz Maurice sleeps under Lough Gur but rides out once every seven years with the usual (but, in this case, ironic) flourish that he will return, defeat the English, and rule Ireland.²⁷⁵

Conclusion

Maurice fitz Thomas, the first earl of Desmond, and Gerald fitz Maurice, the third earl of Desmond, both worked hard to build on their power base in Munster and to forward their interests in Ireland. In many ways, they succeeded; certainly they made the administration of southwest Munster dependent on them and assembled a great deal of authority in the region. Unfortunately the earldom went into decline for over a decade following the third earl's death. Gerald fitz Maurice left three sons all of whom served as earl in fairly rapid succession before their deaths: John (fourth earl of Desmond), Maurice (defacto fifth earl), and James (seventh earl of Desmond after deposing Thomas fitz John the sixth earl). The fourth and fifth earls lived only briefly; the fourth earl died

²⁷¹ *A.Clon.*, pp. 319-320; *AU*, iii, pp. 40-1, n. 6.

²⁷² *A.Clon.*, pp. 319-320; *AU*, iii, pp. 40-1, n. 6; T.J. Westropp, 'The Desmonds' Castle at Newcastle Oconyll, Co. Limerick', *JRSAL*, 19 (1909) p. 49; M.F. Cusack, *A History of the Kingdom of Kerry* (Dublin, 1995) pp. 115-17. The annals, which record that he 'died penitently after receipt of the Sacraments', support this version.

²⁷³ Westropp, 'Newcastle Oconyll', p. 49; Cusack, *A History of the Kingdom of Kerry*, pp. 115-17.

²⁷⁴ Mac Niocaill, 'Duanairé Ghearáid Iarla', poem 14, pp. 31-2.

²⁷⁵ J.T. Gilbert, *A History of the Viceroys of Ireland* (Dublin, 1865) p. 228; Cusack, *A History of the Kingdom of Kerry*, pp. 115-17; J.G. Barry, 'Joan Roche, the mother of Thomas "Ruadh," and

after only a year and the fifth died after two. The sixth earl served for ten disruptive years before being deposed by his uncle James fitz Gerald who began to restore the earldom.

Anglo-Irish politics also helped to destabilise the earldom. There was sporadic fighting between the earls of Ormond and Desmond, each aided by their Irish and Anglo-Irish allies, throughout the decade following Gerald's death.²⁷⁶ And in 1399 Desmond once again came into conflict with the royal government as well.²⁷⁷ There are also irregular occurrences such as Ormond obtaining custody of the Desmond estates,²⁷⁸ as well as the incestuous affair between the Earl of Ormond and his niece, the daughter of the earl of Desmond, which resulted in Ormond granting lands and a yearly stipend to her and her male descendants from this affair.²⁷⁹

The stability of south-west Munster was further damaged by problems outside the earl's lineage. This decade also saw the death of Brian Ó Briain,²⁸⁰ fighting between the Mic Charthaigh and the Barretts,²⁸¹ between the Mic Charthaigh and the Uí Shuillebhain Buidhe,²⁸² between the Uí Chonchobhair of Kerry and the fitzMaurices, lords of Kerry,²⁸³ and among the Uí Bhriain.²⁸⁴ All this turmoil severely damaged the power of the earldom. Though James, seventh earl of Desmond restored the authority of the earldom, it was not until 1463 that another earl of Desmond served as justiciar: Thomas fitz James, eighth earl of Desmond.

Grandmother of the Sugaun Earl of Desmond' *JCHAS*, 16 (1910) p. 171; J.F.L., 'Notes and Queries', *JCHAS*, 13-14 (1907-8) p. 101.

²⁷⁶ Lydon, *Lordship*, p. 239 [2nd pp. 176-7]; Otway-Ruthven, *Med. Ire.*, p. 339; *AFM*, iv, 1402; *ALC*, ii, 1402; *AU*, iii, 1403.

²⁷⁷ Nicholls, 'Late Medieval Irish Annals', pp. 88, 92.

²⁷⁸ *RCH*, p. 161, no. 58; p. 163, no. 112.

²⁷⁹ *COD*, ii, p. 243, no. 344; p. 266, no. 368; *RCH*, p. 179, no. 17.

²⁸⁰ *ALC*, ii, 1399; *AFM*, iv, 1399; *AU*, iii, 1400.

²⁸¹ *ALC*, ii, 1402.

²⁸² *ALC*, ii, 1404; *AFM*, iv, 1404.

²⁸³ *AFM*, iv, 1405.

²⁸⁴ *AFM*, iv, 1409.

Part II

Lands and Men: Lordship in Desmond

Chapter 3

The Lordship of Desmond in the fourteenth century

Land was the basis of a lord's power: it was the main source of his men, money, and influence. Paradoxically, land was also a lord's greatest weakness because of its importance. Nowhere is this more apparent than in the career of the first earl of Desmond, whose lands were twice forfeit because of militant attempts to maintain what he argued was the rightful extent of his lordship. The importance of land and landholding in the feuds and conflicts with other magnates and the royal government makes it necessary to devote some study to the extent, administration and exploitation of the land holdings of the senior line of the Desmond Geraldines, lords of Decies and, after 1329, earls of Desmond. This chapter will examine three topics: first the land holdings of the senior line of the Desmond Geraldines and the expansion of those holdings under the first three earls, second the administration of the lordship, and third the use and exploitation of the lands and lordship.

part i: land

Land Holdings in 1300

Despite the importance of lands and landholding to the careers of the earls of Desmond it is surprisingly difficult to establish the extent of the earldom; in part this is due to the conflicting claims of the government and the earls of Desmond, but the main difficulty stems from the limited source material. No inquisitions *post mortem* survive for the first three earls of Desmond nor convenient collections of documents such as the Ormond Deeds or the Red Books of Ormond and Kildare. A reasonably complete picture of the shape of the lordship can be deduced from three groups of inquisitions from the thirteenth century. The first is an extent of the lands of Thomas fitz Maurice's grandfather, John fitz Thomas, taken in 1282, some twenty-one years after John's death and prior to the regrant of lands to Thomas in 1284.¹ The other two relate to the land

¹ PRO C 133/31/1; *CDI*, 1251-84, pp. 423-9, no. 1912; *CIPM*, ii, pp. 452-4, no. 437.

holdings of Thomas fitz Maurice. One is an inquisition *post mortem* taken in 1300² and the other is a series of more detailed extents taken in 1298-9 into his landholdings found in the Irish exchequer records.³

The expansion of the landholdings of the senior line of the Desmond Geraldines in the fourteenth century is even harder to track. What can be determined comes mostly from surviving grants and documents relating to land disputes and both of these types of documents tend to give incomplete details and are therefore open to interpretation. There is also an extent from 1420/1 but it is very brief and adds little to our knowledge of the lordship.⁴ Owing to the fragmentary nature of the evidence it is only possible to offer an approximation of the boundaries of the earldom, but this chapter will seek to put forward the most complete map of the earldom possible.

Before examining the extents of the lands of John fitz Thomas and Thomas fitz Maurice and the unstable nature of the lordship of Decies and Desmond prior to the fourteenth century, the terms Decies and Desmond require clarification. Decies was a pre-invasion territory roughly analogous to the modern Co. Waterford which originally included parts of southern Tipperary as well.⁵ The name was derived from the name of the population resident there: the Déisi Muman. Desmond is the Anglicised version of Desmumu (or Desmuma), another pre-invasion territory encompassing the modern Co. Cork, the Iveragh peninsula and southern Co. Kerry.⁶ The term was then used by the Anglo-Normans to describe Cork, Kerry and, at least initially, parts of Limerick.⁷ After the creation of the earldom of Desmond in 1329, the term takes on a dual meaning, describing both the earldom and the portion of western Cork and southern Kerry largely controlled by the several senior Mac Carthaigh dynasties: the earldom of Desmond and the kingdom of Desmond.

² PRO C 133/94/2; *CDI, 1293-1301*, pp. 339-40, no. 727; *CIPM*, iii, p. 448, no. 596.

³ PRO E 101/233/6; *CDI, 1293-1301*, pp. 254-64, no. 551.

⁴ NLI D 1571; *COD*, iii, pp. 30-7, no. 45.

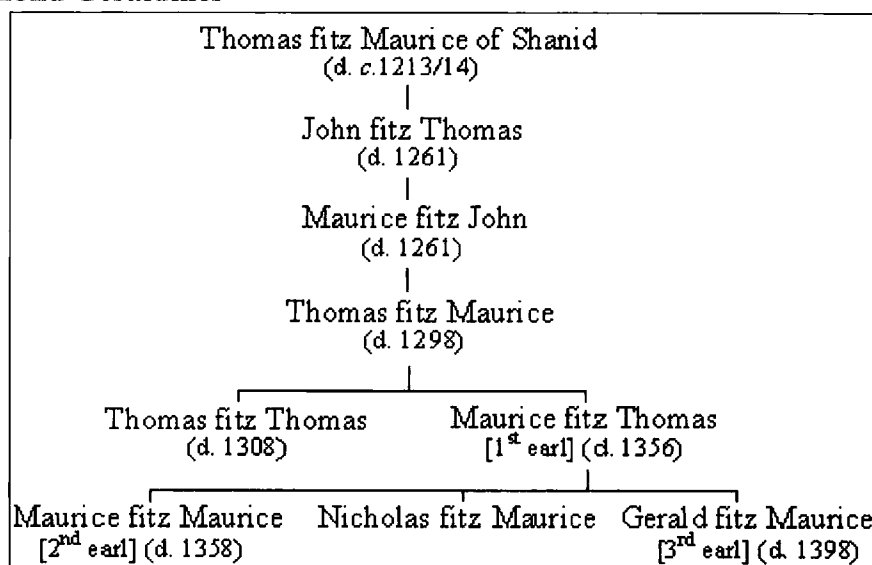
⁵ C.A. Empey, 'County Waterford in the thirteenth century', *Decies*, 13 (1980) p. 7.

⁶ Orpen, *Normans*, i, map between pages 18 and 19; *AI*, p. 530; *AC*, p. 826.

⁷ Otway-Ruthven, *Med. Ire.*, p. 103; P. McCotter, 'The cantreds of Desmond', *JCHAS*, 105 (2000) p. 50; K.W. Nicholls, 'The development of lordship in County Cork', *CHS*, p. 161. The cantreds of Shanid, Ardagh and Ocarbry in Limerick were initially part of Desmond as well (McCotter, 'The cantreds of Desmond', p. 61).

The Desmond Geraldines' hold on most of their lands outside Limerick, took a long time to secure and remained open to attacks by the royal government in Ireland. The reason for this dates back to the early thirteenth century. When Thomas fitz Maurice of Shanid of the Desmond Geraldines died (c.1213/14), he left an underage heir and custody of his lands and heir were granted by the crown to Thomas fitz Anthony in 1215. At the same time, fitz Anthony was granted the whole of Decies and Desmond in fee.⁸ By 1223, the crown was questioning this grant and Thomas fitz Anthony failed to produce the 1215 charter; the lands were resumed and custody was granted first to John Marshall and then to Richard Burgh in 1227.⁹ The grant to Burgh was followed by a command to the justiciar to recover lands Thomas fitz Anthony had granted away during his tenure of the territory.¹⁰ In 1232, Henry III again granted the lordship of Decies and Desmond, this time to Peter de Rivaux, one of his ministers.¹¹

The Desmond Geraldines¹²



By 1232, Thomas fitz Anthony had died leaving four co-heiresses one of whom, Margaret, had married John fitz Thomas - Thomas fitz Maurice's heir. Five years later these co-heiresses and their husbands begin to appear holding portions of Decies as fitz Anthony's heirs.¹³ John and Margaret seem to have held lands in Waterford as

⁸ *CDI, 1171-1251*, p. 91, nos. 583-4; Orpen, *Normans*, iii, pp. 130-2.

⁹ *CDI, 1171-1251*, p. 168, nos. 1107, 1108; p. 227, no. 1502; Orpen, *Normans*, iii, pp. 136-7.

¹⁰ *CDI, 1171-1251*, p. 232, no. 1543.

¹¹ *CDI, 1171-1251*, p. 293, no. 1969.

¹² *NHI*, ix, p. 168.

¹³ *CDI, 1171-1251*, p. 363, no. 2426.

Margaret's portion, but they lost them sometime prior to 1251, when the king granted John £25 per year until his portion of Decies was replaced.¹⁴ Then in November 1259, John managed to convince Edward, lord of Ireland, to grant him all the lands of Decies and Desmond which had been granted to Thomas fitz Anthony as well as the castle of Dungarvan for 500 marks annually and one tenth of a knight's fee.¹⁵ Two years later both he and his son, Maurice fitz John, were among those killed at the battle of Callann, where Fíngen Mac Carthaigh's forces defeated a substantial Anglo-Irish force led by the justiciar.¹⁶ Their deaths left John fitz Thomas's young grandson,¹⁷ Thomas fitz Maurice, as heir.

For the next twenty years, the records remain nearly silent concerning these lands but problems seem to have arisen when Thomas fitz Maurice inherited them. During the eight-year period from 1284 through 1292 there was a series of grants, resumptions, and disputes involving them¹⁸ and, not surprisingly, Thomas fitz Maurice made arrangements to spend the periods 1282-1286 and 1290-1292 in England with the intention of securing his position in Decies and Desmond. Despite difficulties in Ireland, it seems he was present in England at least in 1284 and in 1291/2.¹⁹

Thomas fitz Maurice was able to prove his age sometime during the first three years of the 1280s but he was not immediately able to render homage to the king in person due to unrest among the Irish of Munster. In 1282 or 1283, Thomas sent a letter to the bishop of Bath and Wells in which he explained this delay by saying that 'the Irish are elated beyond their wont' due to Llywelyn ap Gruffudd's revolt in Wales in 1282.²⁰ In February 1284, Edward I received homage from Thomas fitz Maurice for one and a half cantreds of land in Thomond and, in May, Thomas received the rest of his

¹⁴ *CDI*, 1171-1251, pp. 467-8, no. 3146.

¹⁵ *CDI*, 1251-84, p. 102, no. 629; *RCH*, p. 3, no. 32; R.F. Frame, *Ireland and Britain* (London, 1998) p. 38.

¹⁶ Otway-Ruthven, *Med. Ire.*, p. 195; J.F. Lydon, 'A land of war', *NHI*, ii, pp. 251-2; Orpen, *Normans*, iii, pp. 137-42.

¹⁷ He is referred to as 'kinsman and heir' which has at times been misunderstood as 'cousin and heir' (E. Brooks, *Knights' fees in Counties Wexford Carlow and Kilkenny* (Dublin, 1950) p. 222).

¹⁸ Orpen, *Normans*, iii, pp. 143-5.

¹⁹ *CDI*, 1252-84, p. 430, no. 1915; p. 500, no. 2162; p. 564, no. 2363; *CDI*, 1285-92, p. 18, no. 17; p. 19, no. 22; p. 87, no. 181; p. 88, no. 184; p. 344, no. 733; p. 406, no. 893; p. 408, no. 900; p. 418, no. 939; p. 457, no. 1023; p. 463, no. 1042.

grandfather's lands, leaving those tenants the king had enfeoffed in place; but they were henceforth to answer to Thomas.²¹ He was also granted custody, during pleasure, of the king's prison at Cork and castle at Dungarvan in Decies in 1284.²² In June of that year, Edward also ordered Stephen Fulbourn, the justiciar, to seize all lands which had belonged to John fitz Thomas and Maurice fitz John which were being held by others and inspect the holders' claims to them.²³

The issue was not so easily settled. Edward I's attorneys in Ireland felt this grant was too generous and the first legal challenge followed almost immediately after this agreement. The following year Edward I recovered seisin of the shrievalties of Cork and Waterford,²⁴ which were said to have been part of John fitz Thomas's holdings.²⁵

Thomas fitz Maurice continued to hold Decies and Desmond until 1290,²⁶ but in that year Edward I's attorneys seem to have initiated another legal attack on Thomas's claim to Desmond. Alternatively, Edward may have been acting to legitimise Thomas's claim to Desmond since the 1259 grant to John fitz Thomas was legally defective²⁷ as Edward, then lord of Ireland, had been forbidden from alienating any crown lands.²⁸ Most likely Edward's attorneys initiated the case, but Edward used it to legitimise Thomas's landholdings. By judgement of the royal court in 1290, Thomas was disseised of these lands,²⁹ but Edward I regranted them to him, once again with the condition that those enfeoffed by the king would remain holding their land of Thomas. Once these arrangements were finalised, Thomas was again forced to delay rendering homage in person³⁰ due to an attack by Domnall Ruad Mac Carthaigh (Mac Carthy) resulting from

²⁰ *CDI*, 1285-92, p. 161, no. 360; S. Duffy, *Ireland in the Middle Ages* (London, 1997) pp. 130-1; E. O'Byrne, *War, politics and the Irish of Leinster, 1156-1606* (Dublin, 2003) pp. 61-2.

²¹ *CDI*, 1252-84, p. 504, no. 2175; p. 513, nos. 2215, 2217.

²² *CDI*, 1252-84, p. 515, no. 2231.

²³ *CDI*, 1252-84, p. 515, no. 2232.

²⁴ *CDI*, 1285-92, p. 18, nos. 16, 18.

²⁵ *CDI*, 1252-84, p. 425, no. 1912.

²⁶ *CDI*, 1285-92, pp. 324-5, no. 646.

²⁷ This case was probably the reason why Thomas fitz Maurice returned to England during 1290-1292. See *CDI*, 1285-92, p. 344, no. 733; p. 406, no. 893; p. 408, no. 900; p. 418, no. 939; p. 457, no. 1023; p. 463, no. 1042.

²⁸ In 1254, Edward had been granted extensive lands throughout England, Wales, Gascony, and Ireland, including Decies and Desmond by his father, Henry III, but on the condition that they could not be severed from the crown (J.R. Studd, 'The Lord Edward and King Henry III', *BIHR*, 50 (1977) pp. 4-5).

²⁹ *CDI*, 1285-92, pp. 464-5, no. 1051.

³⁰ *CDI*, 1285-92, p. 321, no. 630.

a feud between one of Thomas's kinsmen, John fitz Thomas the future earl of Kildare, and William Vescey, the justiciar.³¹ This time it was John, archbishop of Dublin who interceded on his behalf, requesting a few months delay.³²

The condition that those enfeoffed by the king would hold their land of Thomas also proved to be difficult. These men, Walter de la Haye, Thomas Weyland, Jordan Exeter, and Robert Stapleton, were unwilling to accept Thomas as their lord and sought to retain the lands *in capite*.³³ Walter de la Haye held the manor of Kilmeadan by 1285 and this manor was indeed lost to Thomas fitz Maurice; however, Walter may only have had custody of the manor, for the Uffords seem to have been the tenants in chief. In 1282, Robert Ufford senior held Kilmeadan *in capite* but three years later Walter de la Haye obtained both free warren and a weekly market for the manor.³⁴ It seems strange that Walter would have gone to this trouble for a manor he did not hold, but it seems Walter may have only had custody of Kilmeadan because of the minority of Robert, son and heir of Robert Ufford who regained Kilmeadan in 1301-2.³⁵ From this point, the le Poers seem to have held Kilmeadan from the Uffords and the de la Hayes cease to be connected with it.³⁶ In the fourteenth century, Thomas fitz Maurice's son tried, without success, to regain Kilmeadan.³⁷ Thomas Weyland had enfeoffed his son John of his lands in Waterford, Ballyconnery, Killoteran, and Ballymacoyl³⁸ in 1287. Of these, only Ballyconnery seems to have been held of Thomas fitz Maurice but John paid his rent, 2 marks, directly to the exchequer though still as part of Thomas fitz Maurice's rent of

³¹ *Rotuli Parliamentorum Anglie Hactenus Inediti MCCLXXIX – MCCCLXXIII*, H.G. Richardson and G.O. Sayles (eds) Camden (3rd series), 51 (1935) pp. 35-6; K.J. Stringer, 'Nobility and Identity in Medieval Britain and Ireland: The de Vescey Family, c.1120-1314', Smith (ed.) *Britain and Ireland 900-1300. Insular Responses to Medieval European Change* (Cambridge, 1999) p. 235.

³² *CDI*, 1285-92, p. 321, no. 630.

³³ *CDI*, 1285-92, p. 464, no. 1051.

³⁴ *CDI*, 1285-92, p. 36, no. 82; p. 43, no. 131.

³⁵ *CDI*, 1293-1301, p. 372, no. 820; *CDI*, 1302-7, p. 45, no. 95. A 1382 inquisition shows that Robert Ufford senior had held Kilmeadan prior to his death. However, this inquisition also shows that Robert held the manor with Geoffrey Neville (PRO C 133/31/1; *CDI*, 1252-84, p. 426, no. 1912; *CIPM*, ii, p. 253, no. 437).

³⁶ NLI GO MS 192, p. 9; NAI M 2651, p. 7.

³⁷ See Chap. 1, p. 47.

³⁸ Also written Ballymakillemos and Balymackyl. Curtis tentatively identifies this as Ballynakill in the parish of Kilgobnet (E. Curtis, 'Sheriffs' Accounts of the Honor of Dungarvan, of Tweskard in Ulster, and of County Waterford, 1261-63', *PRIA*, C, 39 (1929) p. 14).

Decies. Or he did until 1290 when the fact was recorded in a court case,³⁹ but the 1298 extent of Thomas fitz Maurice's lands makes no reference to it. In 1298, John Weyland was said to hold only one villate of Thomas fitz Maurice, Cloucdan, for a two shilling rent.⁴⁰ Jordan Exeter held the barony of Athmethan for a yearly rent of £20 13s 4d and though this is listed in the 1298 inquisition, the jurors point out that he claimed to hold *in capite* and he paid his rent directly to the exchequer;⁴¹ it seems likely he too had extracted his barony from the manor of Dungarvan as he was paying his rent into the exchequer rather than to Thomas fitz Maurice.⁴² Robert Stapleton alone seems to have continued to hold of Thomas fitz Maurice. In 1298, his heirs held one villate at Ballymaccrath and Ballyhabraham and a further one and three-quarter villates.⁴³ The document is damaged, but the rent is at least £8 14s.⁴⁴ It is difficult to tell if this represents part or all of his Dungarvan holdings. Despite the king's order, it seems these men retained their tenant-in-chief status, though some of these lands were later regained by the earls of Desmond.

In 1298 Thomas fitz Maurice died leaving an under-age heir. During that summer, extents were taken of his lands.⁴⁵ The following summer the king ordered another inquisition to determine the 'true value' of Thomas fitz Maurice's lands.⁴⁶ This series of extents tell us a great deal about the family's holdings as well as those of their sub-tenants but they appear, at first glance, to contrast with the extent taken in 1282 of the lands held by John fitz Thomas.

The inquisitions from both 1298 and 1300 indicate that Thomas held the manors of Killeedy, Newcastle, Mahoonagh, Shanid and Glenogra Co. Limerick; Killorglin and *Insulâ* [Castleisland⁴⁷] Co Kerry; Comrith⁴⁸ Co. Waterford; the honor of Dungarvan, Co.

³⁹ *CDI, 1293-1301*, pp. 324-5, no. 646.

⁴⁰ *CDI, 1293-1301*, p. 263, no. 551.

⁴¹ *CDI, 1293-1301*, p. 262, no. 551.

⁴² *CDI, 1285-92*, pp. 434, 477; *CDI, 1293-1301*, pp. 11, 89, 114, 132, 153, 180, 250, 314, 374; *CDI, 1302-7*, p. 25.

⁴³ Part of this one and three-quarter villates was in Ballykerin. The other place-name is obscured.

⁴⁴ *CDI, 1293-1301*, p. 263, no. 551.

⁴⁵ PRO E 101/233/6; *CDI, 1293-1301*, pp. 254-64, no. 551.

⁴⁶ PRO C 133/94/2; *CDI, 1293-1301*, pp. 339-40, no. 727; *CIPM*, iii, p. 448, no. 596.

⁴⁷ The manor of Castleisland was coterminous with the cantred of Acmikerry.

Waterford,⁴⁹ Ciarraighe-Locha-na-nairneadh in Connacht; and the manors of Mallow and Corkaley in Co. Cork, though Corkaley, could not be extended 'on account of the Irish'.

The 1298 and 1300 inquisitions do not agree on the exact value of the lordship, but are surprisingly close considering the general belief that inquisitions *post mortem* often undervalue lands to a great degree - clearly such 'undervaluing' was done to a standard.⁵⁰ The 1300 inquisition gives the total value of the lordship as just over £632. The 1298 inquisitions give a total of just under £600, but throughout there are mistakes in the arithmetic. By adding up the values of each manor (and using the value of Killorglin given in 1300 because the membrane for the 1298 extent is damaged), the total value reaches roughly £642.⁵¹

TABLE 1

Value of the lordship of Thomas fitz Maurice

1298 Extents ⁵²	Manor	IPM (1300) ⁵³
£37 14s 4d	Glenogra Co. Limerick	£37 14s 4d
£133 12s 1d	Newcastle, Co. Limerick	£98 17s 5d
£38 8s 11d	Shanid, Co. Limerick	£36 14s 2d
£21 2s 3d	Killeedy, Co. Limerick	£20 15s
£3 17s 2d	Mahoonagh, Co. Limerick	77s 2d
£14 12s 3d	Castleisland, Co. Kerry	£21 8s 11d
(extent defaced)	Killorglin, Co. Kerry	£74 17s 3d
£13 10s 1¼d	Comrith, Co. Waterford	£12 15s
£251 19s 6d	Dungarvan, Co. Waterford	£270 11s 8d
(waste)	Corkaley, Co. Cork	(not in <i>I.P.M.</i>)
£19 13s 5d	Mallow, Co. Cork	£20 5s 1d
£33 6s 8d	Connacht	£33 6s 8d
TOTAL VALUE = £567 17s 6¼d £642 14s 9¼d with the value of Killorglin from the <i>I.P.M.</i>		TOTAL VALUE = £632 2s 8d

⁴⁸ The manor of Comrith seems to have consisted of the southern half of the cantred of Omynw (roughly the modern parish of Stradbally) however, the mountainous and unsettled northern portion of Omynw might have been part of Comrith as well.

⁴⁹ The honor of Dungarvan included the cantreds of Slefgo, Dungarvan and Owath as well as parts of Tarmun and Obride.

⁵⁰ See below, pp. 160-1.

⁵¹ PRO E 101/233/6; *CDI*, 1293-1301, pp. 254-64, no. 551.

⁵² PRO E 101/233/6; *CDI*, 1293-1301, pp. 254-64, no. 551.

⁵³ PRO C 133/94/2; *CDI*, 1293-1301, pp. 339-40, no. 727; *CIPM*, iii, p. 448, no. 596.

The Landholdings of Thomas fitz Maurice

Corcu Baiscinn deaneries

Shanid cantreds

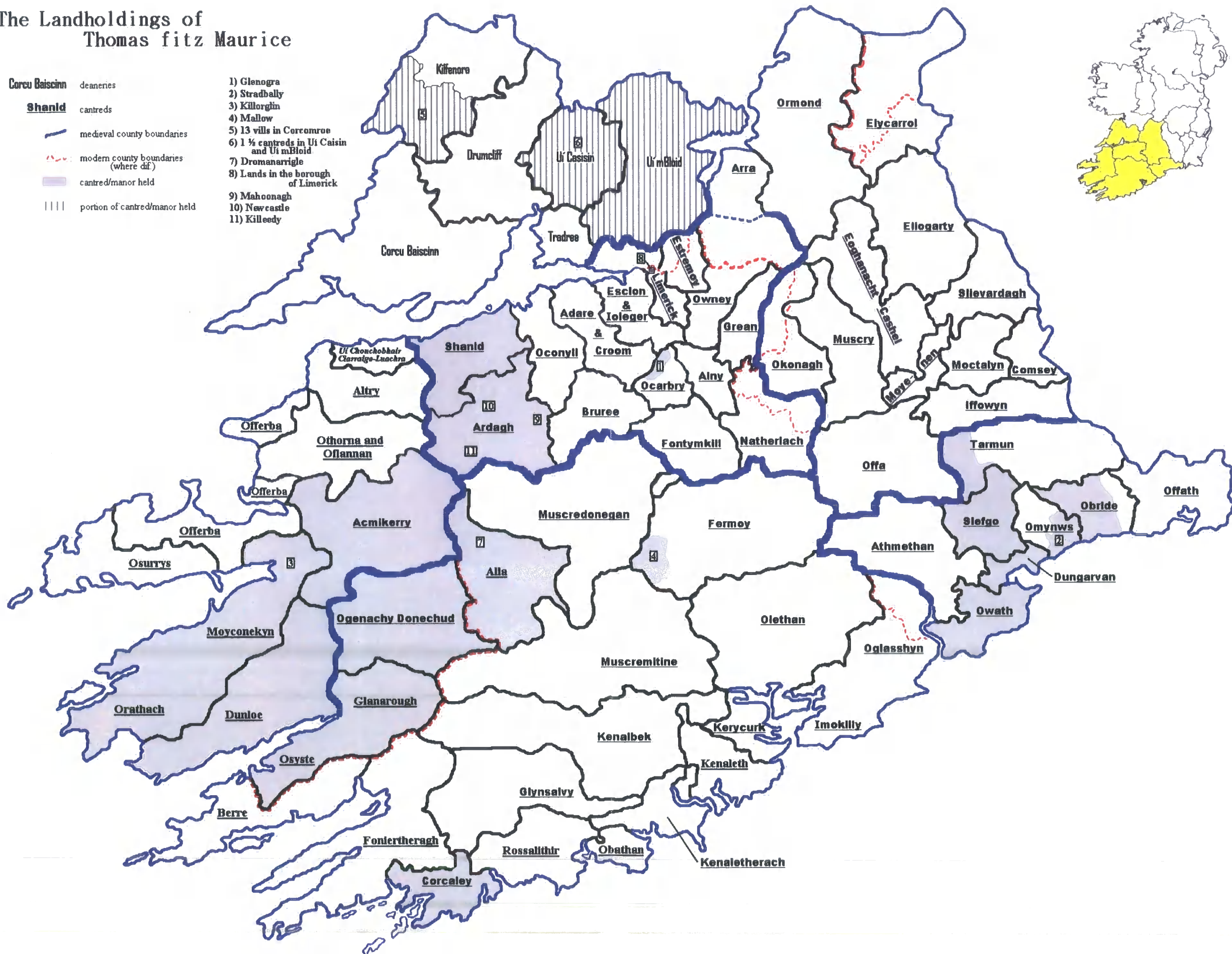
— medieval county boundaries

- - - modern county boundaries (where dif.)

— cantred/manor held

|||| portion of cantred/manor held

- 1) Glenogra
- 2) Stradbally
- 3) Killorglin
- 4) Mallow
- 5) 13 vills in Cortonroe
- 6) 1 1/2 cantreds in Uí Caisin and Uí mBlaid
- 7) Dromanarrigle
- 8) Lands in the borough of Limerick
- 9) Mahoonagh
- 10) Newcastle
- 11) Killeedy



The 1282 extent mentioned above is unfortunately not as informative as these two nor does it lend itself to this style of comparison. The 1282 inquisition contains some details absent from the later inquisitions but there are also certain difficulties in using it due to a shift in nomenclature. The document has its origins in Thomas fitz Maurice's efforts to regain his grandfather's lands. In April 1282, Edward I ordered the justiciar to make an extent of the lands of John fitz Thomas, Thomas's grandfather,⁵⁴ in order to regrant these lands to Thomas fitz Maurice. It obviously proved impossible to carry out this grant in full as some of the lands held by John fitz Thomas do not appear on either the 1298 inquisition *post mortem* into Thomas fitz Maurice's lands⁵⁵ or the extent of his lands which survives in the exchequer records.⁵⁶

The most obvious of the missing lands are the one *theodum* in Oregan in Co. Kildare, the five carucates at Seyr, Co. Kilkenny, the half cantred at Denloyth [Dunloe⁵⁷] and the manor of Kilmeadan, Co. Waterford. Oregan is not mentioned again until 1420 when it is said to be 'worth nothing... because of the Irish enemies'.⁵⁸ But neither Dunloe nor Seyr are mentioned again and there is not even evidence indicating that the senior line of the Desmond Geraldines had any land holdings in Kilkenny during the fourteenth century. Only the loss of Kilmeadan is specifically explained. There are three possible explanations for these discrepancies: these lands were still in the hands of the Irish who ceased to pay their rental or reconquered lost territory (Oregan is probably examples of this); the lands were lost to other Anglo-Irish or English landholders (Kilmeadan, discussed above, is an example of this); or the lands could be hidden in the later extent under a different name as there is a large shift in nomenclature between the two extents. The 1282 extent relies heavily on cantred names and pre-invasion designations to define the land holdings but in 1298, the jurors speak in terms of manors.

Waterford serves as a prime example of this change in nomenclature. In the 1282 inquisition, the whole of John fitz Thomas's landholdings in Co. Waterford are described as 'three and one half cantreds in Decies, Co. Waterford' followed by a list of

⁵⁴ PRO C 133/31/1; *CDI*, 1252-84, pp. 423-9, no. 1912; *CIPM*, ii, pp. 252-4, no. 437.

⁵⁵ PRO C 133/94/2; *CDI*, 1293-1301, pp. 339-40, no. 727; *CIPM*, iii, p. 448, no. 596.

⁵⁶ PRO E 101/233/6; *CDI*, 1293-1301, pp. 254-64, no. 551.

⁵⁷ Nicholls identifies Denloyth as Duhallo in Cork (Nicholls, 'The development of... Cork', p. 187) but McCotter identifies it as Dunloe (P. McCotter, 'The sub-infeudation and descent of the fitzStephen/Carew moiety of Desmond (part ii)', *JCHAS*, 102 (1996) p. 105.).

⁵⁸ NLI D 1571; *COD*, iii, p. 31, no. 45.

the several exceptions such as the barony of Dunoyl, crosslands, and the advowson of Dungarvan. The only cantreds named are Dungarvan and Offath but it seems likely that John held very little or nothing outside the manor of Kilmeadan in Offath because after Edward enfeoffed Robert Ufford and Geoffrey Neville in Kilmeadan there are no further references to the family holding lands in the cantred of Offath.

The 1298 extent refers to these same landholdings as Dungarvan and the manor of Comryth. Dungarvan, in the 1298 extent, included the cantreds of Dungarvan, Slefgo, Obride, and Owath and parts of Athmethan and Tarmun. The manor of Comryth was roughly the modern parish of Stradbally which was the southern half of the cantred of Omynwys. There is little evidence to indicate what lands made up the 'three and one half cantreds in Decies Co. Waterford' noted in 1282 but it seems likely that they are equivalent to part or all of Dungarvan and the manor of Comryth as described in the 1298 extent. The land values given in the inquisitions back this up: Dungarvan and Comryth had a value of roughly £265 with land formerly worth £25 labelled as waste and without the £20 rent of Athmethan. In 1282, the value was given as roughly £410 but that includes the £100 value of Kilmeadan and the £20 rent of Athmethan. When these figures are compared on equal terms they are basically equal: £265 (1298 value of Dungarvan and Comryth) + £100 value of Kilmeadan + £20 rent of Athmethan + wasteland worth £25 = £410 (1282 value of the Geraldine holdings in Co. Waterford). Though the valuations given in inquisitions *post mortem* are notoriously suspect, these extents do seem to indicate a very similar value. This, in turn, supports the hypotheses that both extents describe the same land and that a consistent system was used to determine the value of lands in inquisitions *post mortem*.

A difference in nomenclature is again apparent in reference to the family's holdings in Kerry and Limerick. The 1282 inquisition mentions only the cantreds of Acumkerry [Acumikerry or Aicme Ciarraighe] and Dunloe in Kerry. The other major Desmond Geraldine manor in Kerry mentioned in 1298 - Killorglin - was granted to Thomas fitz Maurice by Thomas Clare sometime in the 1280s⁵⁹ so Acumikerry must equate to the vastly less valuable manor of Castleisland. The difference in value may be due to Irish encroachment on the region. The apparent disappearance of Dunloe is

⁵⁹ *CDI*, 1285-92, pp. 458-9, no. 1028.

probably the result of Dunloe being treated as part of Killorglin. Regarding Limerick, the 1282 inquisition lists the cantreds of Shanid and Killeedy, one *theodum* in Mahoonagh,⁶⁰ one half *theodum* in Glenogra and one and one half carucates called 'Welese' or 'Belese' held of the citizens of Limerick. The 1298 inquisition refers to the cantred of Shanid, the *theodum* in Mahoonagh and the half *theodum* in Glenogra as manors but the 'cantred of Killeedy' mentioned in 1282 was listed as the manors of Killeedy and Newcastle in 1298. The one and one half carucates held of the citizens of Limerick seem to be absent from the 1298 inquisition - they may have been farmed rather than held in fee.

What happened to John fitz Thomas's land holdings in Cork is less clear. The three carucates in Ogenathy Donechud, Co. Cork were clearly never settled, but represent a rent paid by the Irish of the region (the Mic Charthaigh Mór). It may be that this 'rent' could no longer be collected, but it may have been added to the value of Kilorglin. By 1358 the Mic Charthaigh Mór kingdom was being treated as a single cantred,⁶¹ it may be this innovation dated from Thomas fitz Maurice's time. However, other lands seem to have been lost to the Irish: John fitz Thomas's three knight's fees in Clonlathtyn⁶² and Dromanarrigle seem to have been lost. Corcaley, John fitz Thomas's other landholding in Cork was no more secure: already embattled by 1282, it was worth nothing by 1298. Thomas fitz Maurice's son was able to maintain some control in the region but by 1400,⁶³ and probably much earlier, the lands were lost to the Mic Charthaigh Riabhach.

John fitz Thomas also held one and a half cantreds in Thomond, one in Uí Caisin and one half in Uí mBlóid,⁶⁴ as well as 13 villates in Corcomroe in the cantred of Kilfenora. As late as 1284, there are references to these lands,⁶⁵ but they are not mentioned in the 1298 inquisition probably indicating that the rents of these lands could no longer be obtained from the Irish of the region, in this case the Uí Bhriain.

⁶⁰ Mahoonagh is also called Maynwyr and Mōyhynwyr in some sources.

⁶¹ McCotter, 'The sub-infeudation... (part ii),' p. 103.

⁶² Clonlathtyn might be an Anglicisation of Clann-Liatháin, which might be an alternative name of the cantred of Olethan. (However, I have not yet been able to establish the use of 'Clann-Liatháin'.) Clonlathtyn could also be a variant of Ocurblehan - the western half of cantred of Olethan. If Clonlathtyn does refer to Olethan, then it may have been lost or alienated to the Barrys.

⁶³ NLI D 1571; COD, iii, pp. 34-5, no. 45.

⁶⁴ CDI, 1252-84, p. 326, no. 1622.

⁶⁵ CDI, 1252-84, p. 504, no. 2175.

TABLE 2

The 1298 extent of the lands of Thomas fitz Maurice

Manor	Value of Demesne	Rents from Free Tenants	Free Tenants' Royal Service	Farmers	Betagh ⁶⁶	Rents of Mills	Perquisites of Courts	Other (See footnotes for details)	Total Value (excludes service)
Glenogra, Co. Limerick	£27 0s 8d	£5 19s 6d	15s	—	—	£2 4s 0d	13s 4d	£1 16s 10d ⁶⁷	£37 14s 4d
Newcastle, Co. Limerick	£34 0s 8d	£4 17s 11d	26s 8d	26s.8d.	£49 11s 6d	£1 10s 0d	£5 6s 8d.	£36 18s 8d ⁶⁸	£133 12s 1d
Shanid, Co. Limerick	£9 13s 6d	£4 18s 9d	£6	—	£19 10s	£1	£2	£1 6s 8d ⁶⁹	£38 8s 11d
Killeedy, Co. Limerick	£4 13s	26s 8d	20s	—	£14 11s 11d	4s	—	6s 8d ⁷⁰	£21 2s 3d
Mahoonagh, Co. Limerick	76s 8d	6d	—	—	—	—	—	— ⁷¹	£3 17s 2d
Castleisland, Co. Kerry	41s 4d	£7 2s 1d ⁷²	12s 6d	—	£1 13s 4d	£1 6s 8d	£2 6s 8d	2s 2d ⁷³	£14 12s 3d
Killorglin, Co. Kerry	[defaced and illegible]		—	—	—	—	—	—	—
Corkaley, Co. Cork	[could not be extended]		—	—	—	—	—	—	—
Mallow, Co. Cork	£5 13s 4d	£7 5s 8d	—	15s 1d	£4 10s 8d	£1 5s	—	3s 8d ⁷⁴	£19 13s 5d
Comrith, Co. Waterford	£10 15s 8d	28s 7¼d	—	—	—	10s	6s 8d	10s ⁷⁵	£13 10s 11¼d
Dungarvan, Co. Waterford	£79 4s 9d	£127 2s 5d ⁷⁶	—	—	—	£5 11s 8d	£3 13s 4d	£36 7s 4d ⁷⁷	£251 19s 6d
Connacht	[no information except the total value]			—	—	—	—	£33 6s 8d ⁷⁸	£33 6s 8d
Total value	£176 19s 7d	£160 2s 1¼d		£2 1s 9d	£89 17s 5d	£13 11s 4d	£14 6s 8d	£110 18s 8d	£567 17s 6¼d ⁷⁹
Total value of royal service owed by free tenants £9 14s 2d									

As table 2 shows, almost one third of the value of the lordship was held in demesne. A little less than a third of the value of the land was made up of the rents of free tenants. There is a great deal of variance in the quantity and quality of information given regarding each free tenant not only between the extents of the different manors but even within them. Although each entry gives the rent due, the information regarding the size of the landholding varies from exact figures in medieval acres to a total lack of information concerning size with only the name of the townland and its rent given. In comparing those instances where a significant level of detail is available, no pattern emerges: in Castleisland, Co. Kerry, for instance, Thomas held less than 400 acres in demesne but his free tenants held 4000 acres and seven knight's fees; in Mallow, Co. Cork and Comrith, Co. Waterford the free tenants held three times the amount reserved in demesne; and in

⁶⁶ This category does not include the land held by betaghs which was treated as demesne in the inquisition (see Dungarvan, Glenogra and Comrith).

⁶⁷ A garden worth 5s, pannage is worth 6s 8d, six fish pools worth 7s 10d, issues of turbary [turf pit] 4s, and the profits of the sergeancy 13s 4d.

⁶⁸ Profits of the sergeancy of Obathan 20s, profits of the sergeancy of Corkoygh' worth 6s 8d, pannage worth 10s, prisage of flesh and ale of Newcastle worth 2s, church of Newcastle with the vicarage 100s, church de Agath' with chapels £10, church de Moyncavenaugh, with vicarage 10 marks, church of Moyncroo 20 marks; all four churches belong to the gift of the fee.

⁶⁹ Garden extended with its curtilage (courtyard) at 6s 8d, sergeancy worth 13s 4d, pannage 6s 8d.

⁷⁰ Profits of the sergeancy at 6s 8d.

⁷¹ The extent also states that certain rents were due but does not include them in the value. This may indicate that these rents were included in the total. The following £3 in rents from gavellers were said to be due for Michaelmas term: Nicholas Edegrave 1 mark, William O'Moriarty and his followers 3 marks, Dermot O'Connor 10s, Cornelius O'Phelan ½ mark.

⁷² The extent lists another £6 16s 8d of land held by free tenants which was waste.

⁷³ Works worth 20d and a curtilage (courtyard) at Castleisland are extended at 6d.

⁷⁴ Pannage worth 2s and a garden worth 20d (the inquisition is defaced).

⁷⁵ Profits of the sergeancy 6s 8d, pannage extended at 3s 4d p.a..

⁷⁶ The extent adds to this figure £20 13s 4d rent that Jordan of Exeter owes for Athmethan. I have subtracted it from this figure because he claimed to hold the land *in capite* and was paying the rent to the Exchequer rather than to Thomas fitz Maurice. Sometime later these lands did become a part of the lordship (See above, pp. 152, 156 and below, pp. 170, 175, 177).

⁷⁷ The Dungarvan extent is faded and damaged. The surviving portion of the list is as follows: prisage of ale and fish are yearly worth £10, and ...are yearly worth 40s, warren at Cosinche near Dungarvan, is worth 6s 8d, turbary at Monegally, containing 10 acres yearly worth..., pannage of all the lordship of Dungarvan...le Combre [Comeragh] is yearly worth 13s 4d, sergeancy of Slefgo yearly worth 13s 4d, sergeancy of Co. Waterford £10 0s 4d, sergeancy of Kerry 66s 8d. This portion totals £27 0s 4d but the extent (minus the mills and courts) gives a total of £36 7s 4d. Lacking further evidence, I have accepted this total.

⁷⁸ This figure represents the total value of the manor; no additional information is given.

⁷⁹ This total does not include the value of Killorglin, Co. Kerry and the value of Mallow, Co. Cork is not the total value due to damage to the documents (though the total from the *inquisition post mortem*, £20 5s 1d, indicates that the value given here is probably very close to accurate). The total given in the extent was £595 3s 2¼d but this figure makes little sense as the difference (£27 5s 8d) is barely more than the disputed rent of Jordan de Exeter (£20 13s 4d) which I have subtracted from the value of Dungarvan (see note above). The 'total of totals' was either made before all the extents were returned or the scribe made a serious error in his calculations. Due to this, the value of Killorglin originally given in this series of extents can not be extrapolated. See table 1 for a total which includes the value of Killorglin given in the 1300 *inquisition post mortem* (£74 17s 3d) and compares the findings of the two inquests into the value of the lordship.

Glenogra, Co. Limerick, the ratio falls below two to one. This is probably due to the fact that the Desmond Geraldines were often not responsible for the subinfeudation of these territories, but, instead received them from men such as the Burghs who had already determined the pattern of landholding within the manor.

There is very little emphasis on farming out land in the 1298 inquisition. In total there are roughly 440 medieval acres, collectively worth £2 1s 9d, held in farm: 40 acres in Limerick and 3 carucates and 40 acres in Cork. This land is almost certainly inferior, at least in Cork, where 3 carucates were held for less than 2 shillings.

But are these values accurate? And what do they tell us about the actual value of the lordship to its lord? There has been much discussion amongst historians about the reliability of inquisitions *post mortem*. It is often argued that inquisitions undervalue land to the advantage of jurors, those who stand to profit from farming undervalued land.⁸⁰ In the case of Dungarvan, the historian has four sources of information for its value over a 40 year period: a sheriff's account from 1262-3,⁸¹ the 1282 extent,⁸² the 1298 extent,⁸³ and the 1300 inquisition *post mortem*.⁸⁴ The 1298 and 1300 extents show only a £20 difference and this difference is probably the £20 rent of Athmethan excluded from the 1298 extent but probably included in the 1300 total. The 1298 and 1282 extents also give an almost identical value.⁸⁵ The 1262-63 sheriffs' accounts of the honor of Dungarvan can not be used to reveal an overall value but they do offer a comparison of rental values to those listed in 1298. Not surprisingly, the rents paid by free tenants mentioned in both documents are nearly always identical with sixteen paying the same rent, two paying more and two paying less in 1298 than in 1262/3. Comparing the value of the demesne land is more difficult; four land holdings were given the same value in each, five were valued higher in 1298, and five were valued lower in 1298 (two of which contained substantial areas of waste in that year). However,

⁸⁰ For a discussion of the arguments levelled against them and an argument in support of their usefulness see B. Hartland, 'English Rule in Ireland c.1272-c.1315: Aspects of Royal and Aristocratic Lordship', Ph.D. thesis (Durham, 2001) pp. 248-56.

⁸¹ Curtis, 'Sheriffs' accounts', pp. 2-4.

⁸² PRO C 133/31/1; *CDI*, 1252-84, p. 426, no. 1912; *CIPM*, ii, pp. 252-3, no. 437.

⁸³ PRO E 101/233/6; *CDI*, 1293-1301, pp. 254-64, no. 551.

⁸⁴ PRO C 133/94/2; *CDI*, 1293-1301, pp. 339-40, no. 727; *CIPM*, iii, p. 448, no. 596.

⁸⁵ See above, p. 153.

it is difficult to be certain that the exact same piece of land is being discussed in each: an additional four holdings were named in both but with different amounts of land attached to the name.⁸⁶

The fact that all these inquisitions match up does not imply that these figures represent the actual earning potential of the lordship to its lord. What they do show is that in 1261/2,⁸⁷ 1282, 1298, and 1300 juries comprised in each instance not only of different men but often different families came to the same value for the lordship. As has been suggested above, this would seem to indicate that these men followed a consistent formula for valuing the Desmond Geraldine landholdings in Waterford. Stevenson hints that such figures represented what the escheator could hope to extract from the lands, but that the lord, or a magnate who held the custody could extract a profit that 'exceeded several fold the income yielded by lands that remained in the custody of the escheator'.⁸⁸

The inquisitions describe all the buildings of the lordship as decayed and almost worthless due to the need for repair. The buildings of the manor of Castleisland are described as being of simple construction with a yearly maintenance cost of 40s or more. Similarly, '...the castle and edifices [of the manor of Newcastle] as well within as without the wall can be extended at no value, because it is necessary to devote greater sums in maintaining them than can be received or levied therefrom'.⁸⁹ The manor buildings of Mahoonagh have no value 'owing to war'.⁹⁰ The jurors describe the castle and manor of Dungarvan as follows: 'a castle in bad repair, unroofed and nearly levelled to the ground; a new tower unroofed; a stone house beyond the gate in ill condition and badly roofed; these can yield nothing but stand in need of great improvement, with great care and expenditure to maintain them'.⁹¹ It seems unlikely that Thomas fitz Maurice would have allowed his fortifications to decay to this extent.

⁸⁶ Curtis, 'Sheriffs' accounts', pp. 2-4.

⁸⁷ The rents collected on the Desmond Geraldines' lands by the sheriff of Waterford in 1262-3 would have reflected the results of an inquisition *post mortem* for John fitz Thomas (d.1261).

⁸⁸ E.R. Stevenson, 'The Escheator', Morris and Strayer (eds) *The English Government at Work, 1327-1336*, ii (Cambridge, Massachusetts, 1947) pp. 136-7.

⁸⁹ PRO E 101/233/6; *CDI, 1293-1301*, p. 256, no. 551.

⁹⁰ PRO E 101/233/6; *CDI, 1293-1301*, p. 260, no. 551.

⁹¹ PRO E 101/233/6; *CDI, 1293-1301*, p. 261, no. 551.

In fact this might have been an attempt to gain royal aid or customs for repairs or, in keeping with some historians' views on inquisitions *post mortem*, just to lower rents. A parallel might also be drawn here with the Anglo-Scottish marches when men and towns occasionally claimed damage for raiding long after the event.⁹²

The figures for 'waste' within the lordship are incomplete and there is no information on waste in the manor of Killorglin, Co. Kerry, but the figures would seem to indicate about £50 worth of land was uncultivated (or the crops destroyed) because of war, brigands, poor soil and other causes of lost crops. At first, it seems surprising that this figure is about equally split between lands which are waste because of poor soil and because they are 'among the Irish' or due to warfare but upon further consideration, it is hardly surprising that the worst patches of the poor, rocky soil of western Ireland were deemed waste by the Anglo-Irish. This ratio does not include the manor of Corcaley, Co. Cork, however, because the manor itself could not be extended in 1298 'on account of the Irish'. In 1282, the half cantred John fitz Thomas held there was said to have been worth £26 13s 4d twenty years earlier but only ten marks then.⁹³ Although Thomas's son (Maurice fitz Thomas) made at least one military expedition to the region to try to secure his hold there, it seems unlikely that Thomas or Maurice were ever able to gain much profit beyond the cost of its defence.

A further point should be made concerning lands that were 'among the Irish' or waste 'on account of the Irish'. In many cases in southwest Munster this represents not a reconquest but simply a refusal to pay a rent, probably in kind, imposed by Anglo-Norman lords on the Irish inhabitants. In some areas, such as Cork and Tipperary, a great deal of land which had been cultivated under Anglo-Norman control was regained by Irish lords in part because the indigenous population had never been displaced.⁹⁴ In other areas, such as western Cork, Kerry, and Thomond the 'Anglo-Norman conquest' had never consisted of anything more than forcing the Irish to pay a yearly 'rent'. These

⁹² A. King, 'War, Politics and Landed Society in Northumberland, c.1296-c.1408', Ph.D. thesis (Durham, 2001) pp. 36-7.

⁹³ PRO C 133/31/1; *CDI*, 1252-84, p. 429, no. 1912; *CIPM*, ii, p. 254, no. 437. *CDI*, 1252-84, p. 429, no. 1912 mistakenly refers to this as a carucate.

⁹⁴ C.A. Empey, 'The Butler Lordship in Ireland 1185-1515', Ph.D. thesis (TCD, 1970) pp. 111-12, 143-55.

latter lands become 'waste' because the Anglo-Irish could no longer force them to pay rent or had altered their arrangements with the Irish there, such as transmuting the rent into military service.

These reports of waste must be considered with a certain amount of distrust as well. They could simply indicate that no profits above the cost of defence could be obtained. But there is also ample proof in the inquisitions regarding the Irish population still resident within the Anglo-Irish lordship. Even without any information on Irish holdings in Killorglin, Co. Kerry, it seems that at least one quarter of the lordship was held directly of Thomas fitz Maurice by Irish individuals and lineages. The bulk of this land was held by betaghs, an Irish class which authorities on the subject regard as being similar to English villeins,⁹⁵ but their duty to the lord seems to have already become a yearly rent rather than labour on the lord's demesne. A small part of this land was also held in gavelkind. Gavelkind, an English term for partible inheritance, was used in Ireland to describe a variety of local customs concerning partible inheritance.⁹⁶ Despite this large population of Irishmen, there is only one certain example of an Irish free tenant: William MacGille Moy in Waterford. It is possible that John Ó Flannagáin (O'Flanagan), who held one carucate in Dungarvan in 1299, was also a free tenant but the extent does not explicitly state this.⁹⁷ Some doubt is cast on this supposition by the 1262/3 account roll for Dungarvan which lists not a single individual but the Uí Fhlannagáin as holding land in Dungarvan.⁹⁸ This may indicate that the dynasty still held land and paid a 'rent' to the Desmond Geraldines as their overlord. However, it appears that John Ó Flannagáin's carucate was in Owath and the Uí Fhlannagáin lands were in Obride, therefore the two holdings were probably separate. It is also possible that other individuals listed in the inquisition were Irish as well but had adopted Anglo-Norman names to avoid notice or due to acculturation. There would also have been a

⁹⁵ G. MacNiocaill, 'The Origins of the Betagh', *The Irish Jurist*, 1 (1966) pp. 297.

⁹⁶ J.S. Connolly (ed.) *Oxford Companion to Irish History* (Oxford, 1998) p. 219.

⁹⁷ PRO E 101/233/6; *CDI, 1293-1301*, p. 262, no. 551. It is not, however, listed among Irish holdings as Parker claims (C. Parker, 'The politics and society of County Waterford in the thirteenth and fourteenth centuries', Ph.D. thesis (TCD, 1992) p. 139).

⁹⁸ Curtis, 'Sheriffs' accounts', p. 3.

substantial betagh population and other Irish landholders on the free tenants' holdings within the lordship, but there is no surviving information relating to this.

TABLE 3

*Irish landholding in the lordship of Thomas fitz Maurice*⁹⁹
(based on the 1298 extents)¹⁰⁰

Manor	value of lands held by betaghs or Irish
Glenogra, Co. Limerick	£12
Newcastle, Co. Limerick	£49 11s 6d
Shanid, Co. Limerick	£19 10s
Killeedy, Co. Limerick	£14 11s 11d
Mahoonagh, Co. Limerick	£12 6s 8d
Castleisland, Co. Kerry	£1 13s 4d
Killorglin, Co. Kerry	extent defaced and illegible
Corkaley, Co. Cork	not extended
Mallow, Co. Cork	£4 10s 8d
Comrith, Co. Waterford	£8
Dungarvan, Co. Waterford	£17 13s 6d + £6 'held by English and Irish'
Connacht	no information
TOTAL VALUE	£139 17s 7d + £6 'held by English and Irish'

Expansion in the Fourteenth Century - The First Earl 1309-1356

Thomas fitz Maurice died in 1298 leaving the lordship discussed above to a young heir, Thomas fitz Thomas, with (for the first time in nearly a century) a solid claim to the lands but a long minority ahead of him. Custody of most of the lordship was granted to John fitz Thomas, lord of Offaly until the heir came of age. Thomas fitz Thomas's death in 1308 left his younger brother Maurice fitz Thomas as heir, increasing the length of the minority.¹⁰¹ Rather, the minority *should* have been lengthened. As was discussed in Chapter 1, Maurice fitz Thomas seems to have entered his father's lands without licence almost immediately after his brother's death. But even after Maurice came of age and officially received his lands in 1314, successive escheators continued to consider him a minor until 1317.¹⁰²

⁹⁹ Those with Irish surnames as well as those labelled as Irish or betaghs are included. It is possible that there are other Irish landholders hidden behind seemingly Anglo-Irish names.

¹⁰⁰ PRO E 101/233/6; *CDI, 1293-1301*, pp. 254-64, no. 551.

¹⁰¹ See Chap. 1, p. 23.

¹⁰² See Chap. 1, pp. 24-5.

Thus, 'the territorial ambitions of Maurice fitz Thomas'¹⁰³ became apparent from the moment he became his father's heir. Upon the death of his brother, he entered his lands seemingly without licence and spent the next forty-five years attempting to add to his lordship. For the most part, his methods are transparent: when he saw an opportunity to increase his lordship he took it, whether it was legally defensible or not. The records show a man willing to use all means to expand his lordship. Within the Anglo-Irish controlled area of Munster, he was prepared to use legal process, purchase and even, it seems, illegal seizure. In areas that had been effectively lost to the English lordship in Ireland he was prepared to attempt reconquest in order to assert his authority. Maurice fitz Thomas's lands and lordship also expanded through royal patronage. Indeed, despite his conflicts with the crown, royal patronage still proved to be his most successful avenue for expansion.

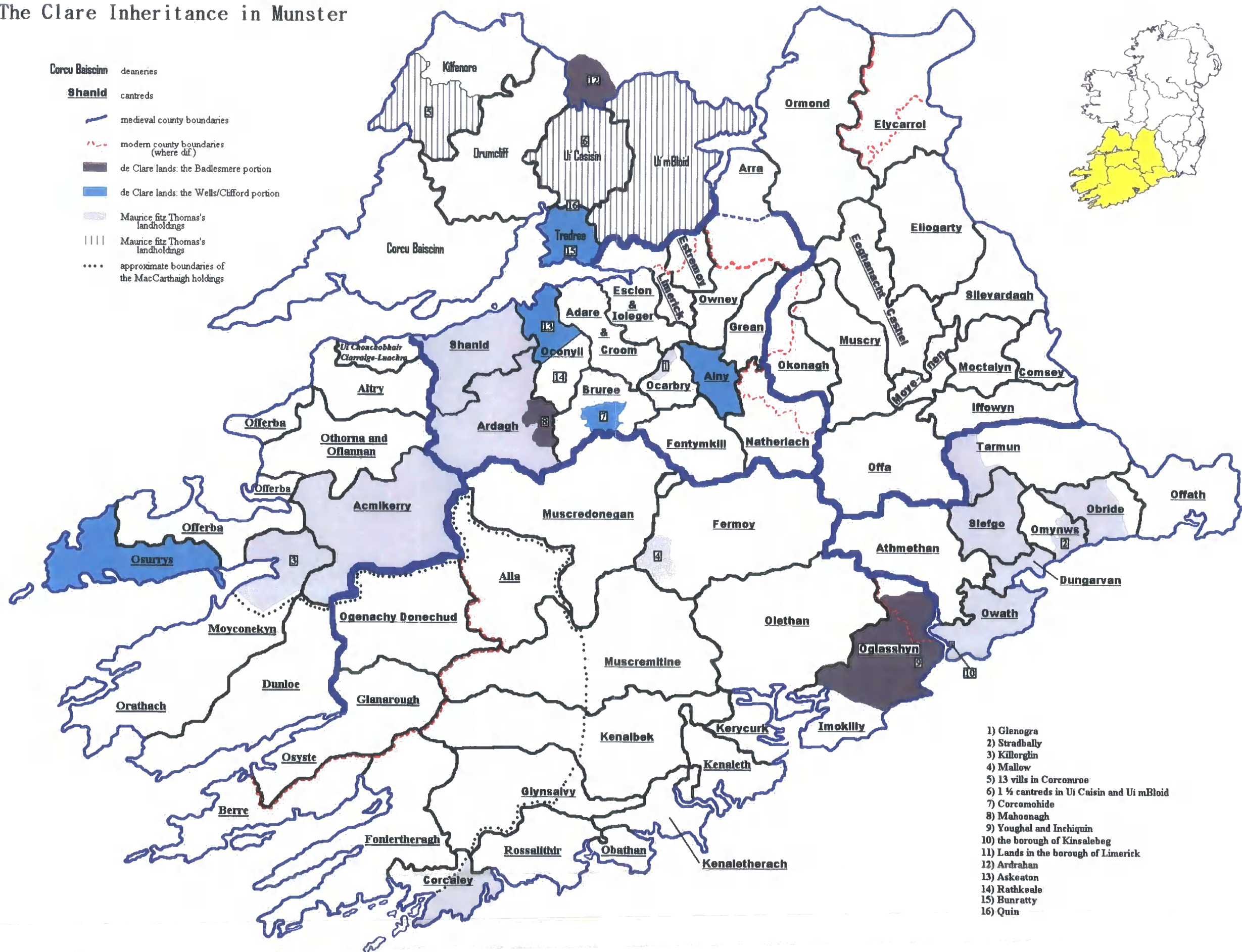
The most celebrated example of Maurice fitz Thomas's drive to expand his land holdings was his seizure of the Clare lands in Cork, Waterford, Limerick and Thomond after the death of Thomas Clare in late February 1321. This long-running conflict, discussed above,¹⁰⁴ between Maurice fitz Thomas, Clare's co-heiresses and their descendants, and the crown was not finally settled until 25 years later with fitz Thomas's 1346 forfeiture. As has been shown, Maurice fitz Thomas used all the methods available to try to secure the Clare lands in Munster: he purchased claims to portions of the former Clare holdings; used influence with government officials to legitimise his tenure of the lands as a custody or by accepting his technically invalid but customarily accepted legal claims to it; and on several occasions simply seized the lands by force.¹⁰⁵

¹⁰³ A.F. O'Brien, 'The territorial ambitions of Maurice fitz Thomas, first earl of Desmond', *PRIA*, C, 82 (1982) p. 67.

¹⁰⁴ See Chap. 1, pp. 36-44, 72, 75-7.

¹⁰⁵ However, it must be remembered that in English common law at the time possession was an important factor in a legal case and seizure by force could often be the first step in a legal battle (A. Harding, *The Law Courts of Medieval England* (London, 1973) p. 98; R. Jeffs, 'The Poynings-Percy dispute; an example of the interplay of open strife and legal action in the fifteenth century', *BIHR*, 34 (1961) p. 152; E. Powell, 'Arbitration and the law in England in the later middle ages', *TRHS* (5th series) 33 (1983) p. 51; J.G. Bellamy, *Bastard Feudalism and the Law* (London, 1989) p. 40; J.G. Bellamy, *Crime and Public Order in England in Later Middle Ages* (London, 1973) pp. 29, 70, 73-4).

The Clare Inheritance in Munster



Maurice fitz Thomas has also been accused by modern historians of trying to obtain the manor of Rathkeale through similar tactics in the 1340s. John Mautravers, an absentee who had forfeited his lands in England and Ireland for involvement in the death of Edmund, earl of Kent,¹⁰⁶ was pardoned and restored; the king therefore ordered Maurice fitz Thomas to return his manor of Rathkeale (one half of the cantred of Oconyll, Co. Limerick) in June 1351.¹⁰⁷ However, the wording suggests something unusual was afoot. The writ states that Desmond should certify to 'the king without delay if there is any cause why he should not' turn the estate over to Mautravers; it then goes on to say that 'the king has learned that Maurice has entered the said manor' and was 'pretending that the manor [was] held of him and pertain[ed] to him', suggesting that the king did not know of any claim Desmond had to the lands but was open to the possibility.

An earlier incident in Rathkeale (John Hele, later a retainer of Desmond, was accused of collecting the revenues of the manor illegally in 1346) has been used to suggest possible Desmond activity in the manor before this but he is neither mentioned nor implicated in the incident and it seems unlikely he was involved.¹⁰⁸ It is far more likely that Desmond's interest in Rathkeale dates to after his restoration. A writ dated 22 June 1351, stated that the *justiciar* of Ireland had seized the lands.¹⁰⁹ It is therefore probable that Desmond was granted custody of Rathkeale by the justiciar following his restoration. There is also no suggestion that Maurice fitz Thomas attempted to retain the

¹⁰⁶ Stories also persist of his involvement in the murder of Edward II, but he was never accused.

¹⁰⁷ *CCR, 1349-54*, p. 313; J.G. Bellamy, *The Law of Treason in England in the later Middle Ages* (Cambridge, 1970) p. 82.

¹⁰⁸ In the mid 1340s, prior to John Mautravers's restoration, his father's widow, Wentliana, complained that one John Hele 'procured letters of attorney in her name by deceit' and collected the revenues of her lands in Limerick, but Hele responded that he paid forty marks a year for the office. A Limerick jury backed his story and he submitted a 'badly kept minister's account' which was found lacking when audited. It has been suggested that Hele's activities were on the earl of Desmond's behalf or at his orders (Frame, *English lordship*, p. 68, ns. 78, 79; PRO SC 6/1238/23). The basis for this is Desmond's connections to Hele later in his career: in 1355 when Desmond was justiciar, Hele was said to be his valet and Desmond appointed him as paymaster for a planned expedition against the Irish of Leinster (*RCH*, p. 58, no. 171; p. 64, no 143; *CPR, 1354-8*, p. 344). However, the dating of the incident makes it unlikely Desmond was involved. Hele was cited as being a bailiff in Rathkeale from 1346 (NAI RC 8/27, pp. 11-17); Desmond was in rebellion at the time. This suggests that Hele may have been taking advantage of the confusion in the 1340s rather than acting on Desmond's behalf.

¹⁰⁹ *CCR, 1349-54*, p. 323.

manor and Mautravers was able to assert his claim and held Rathkeale *in capite*.¹¹⁰ But this was not the end of the matter: 12 years later John Mautravers was claiming that he held Rathkeale not *in capite*, but as part of Askeaton which, by 1358, was held by the earls of Desmond.¹¹¹

When the earls of Desmond obtained Askeaton is unclear. Askeaton had been part of the Clare inheritance and had passed to the Clifford family after the death of Maud Welles in the late 1320s.¹¹² Unlike the Badlesmere portion, there is no suggestion that there was any meddling in Maud's portion of the Clare inheritance (except the castle of Bunratty)¹¹³ and the Cliffords showed a continuous interest in their Irish lands despite the fact that the lands were in the king's hands because of the Cliffords' debts.¹¹⁴ Yet Askeaton was said to have been a Desmond manor by the time of Maurice fitz Maurice's death in 1358.¹¹⁵ Either there was a dispute here of which no records survive or, more likely, the Cliffords, already heavily committed on the marches between England and Scotland, were happy to accept Desmond's overlordship in exchange for the protection of their Irish lands. The most probable date for this agreement to have been reached is 1354 when Clifford himself was in Ireland.¹¹⁶

The Desmond Geraldines' acquisition of Askeaton received no comment at the time, but Rathkeale was again a matter of dispute by 1363. The crown claimed that the manor of Rathkeale was held *in capite* by John Mautravers, just as he had claimed and proven in the 1350s. Therefore in 1363, when Mautravers granted the manor to his son,

¹¹⁰ See below, p. 169.

¹¹¹ *RCH*, p. 71, no. 101.

¹¹² *CFR*, 1327-37, p. 35.

¹¹³ See Chap. 1, pp. 40-1.

¹¹⁴ *CPR*, 1330-4, pp. 322, 550; *CPR*, 1334-8, pp. 182, 312; *CPR*, 1338-40, p. 6; *CPR*, 1340-3, pp. 9, 386; *CPR*, 1343-5, pp. 54, 332; *CCR*, 1327-30, pp. 248, 310; *CCR*, 1337-9, p. 139; *CCR*, 1339-41, pp. 95, 276; *CCR*, 1341-3, p. 275.

¹¹⁵ *RCH*, p. 71, no. 101.

¹¹⁶ *CPR*, 1354-8, p. 89. There is some evidence to suggest Desmond had custody of the manor before 1354. First, there is a writ in the Irish memoranda rolls concerning Askeaton which suggests the Desmond may have held it prior to his forfeiture. The writ is an order to the sheriff of Limerick to distrain John Harold to account for Maurice fitz Thomas's lands in Limerick and to account for the issues of Askeaton (NAI RC 8/24, p. 669). However, it seems these are two separate orders as they are not linked in later references, nor are later references to Askeaton linked with Maurice fitz Thomas (NAI RC 8/24, pp. 669, 783). The second piece of evidence seems to be more conclusive: the Anglo-Irish annals referred to the castle of Askeaton as a Desmond castle in 1345 (*Clyn*, p. 31; *St. Mary's Abbey*, ii, p. 386; *Grace*, pp. 137-9). However, as has just been stated, in 1345 Askeaton was in the king's hands due to the Clifford's debts.

also John, for life, he had alienated the lands without licence, so the royal government took seisin of Rathkeale. Mautravers then claimed that he held Rathkeale of the countess of Desmond, claiming Rathkeale was part of the manor of Askeaton. Mautravers died before the case was decided but his widow and his co-heiresses, his cousins Joan and Eleanor who were married to John Keynes and John Arundel, continued the case.¹¹⁷ In November 1367, an inquisition was ordered.¹¹⁸ The inquisition found that Rathkeale was part of the manor of Askeaton but the crown continued to press the case.¹¹⁹ In 1375, the case was finally brought to conclusion. It was found 'that the said manor of [Rathkeale] is not held in chief but of [forty shillings] of the king's service when the scutage is current and by suit of the earl's court of [Askeaton] from quinzaine to quinzaine, and that at the time of the alienation the same was held of the said countess by the services and suit aforesaid and not in chief'.¹²⁰

It seems clear that Clifford and Mautravers had each struck deals with the earls of Desmond, giving up their status as landholders in chief. Though the deal with Mautravers was probably made by the second or third earl, the Clifford arrangement was probably made by the first earl: it seems that towards the end of his career, Maurice fitz Thomas added a more subtle tactic to his methods of extending his lordship, a tactic that did not disturb the crown or even attract royal notice. This was a strategy the earls of Desmond used to great effect in the fifteenth and sixteenth centuries and probably throughout the second half of the fourteenth century: offering smaller landholders protection in exchange for fealty.¹²¹

Maurice fitz Thomas's 'territorial ambitions' also included attempts to curtail the loss of western Cork to the Gaelic recovery taking place there. Maurice embarked

It is therefore possible that Desmond, or someone loyal to him, had been granted custody of Askeaton while it was in the king's hands.

¹¹⁷ *CCR*, 1364-8, pp. 154-5, 180.

¹¹⁸ *CPR*, 1364-7, p. 59.

¹¹⁹ *CCR*, 1369-74, pp. 231, 411; *CCR*, 1374-7, pp. 59-60. By 1374, John Keynes had died and Robert Ros - undoubtedly a relation of Thomas Ros, second husband of Beatrice, widow of the second earl of Desmond - had married Joan and, therefore, joined the ranks of the co-petitioners.

¹²⁰ *CCR*, 1374-7, pp. 145-6.

¹²¹ D.K. Hoare, 'The Earldom and Supremacy of Desmond: The Case Study of a Lordship, 1329-1583', M.A. thesis (Cork, 1993) p. 148. See below, pp. 175-6.

on a campaign against Domnall Cam Mac Carthaigh Cairbre¹²² in 1326 and rebuilt the castle of Dún Mac Odhmainn,¹²³ which Domnall Máel Cairprech Mac Carthaigh Cairbre had destroyed in 1310.¹²⁴ Maurice fitz Thomas also succeeded in gaining the submission of and hostages from the Mic Charthaigh Cairbre. Following this success, Domnall Cam ambushed Maurice fitz Thomas and his forces at Mullach as they were departing.¹²⁵ Maurice fitz Thomas's force was defeated but the timely arrival of Cormac Mac Carthaigh Mór, king of Desmond allowed them to withdraw.¹²⁶ The successes of this campaign were very short-lived. This area was again waste in the late fourteenth century and no doubt much sooner as the area was placed in the custody of Domhnall Cam during Desmond's forfeiture in 1331.¹²⁷

This drive to recover territory was not limited to lands lost to the Irish. Maurice also managed legally to exert his lordship over at least one Anglo-Irish landholder: the barony of Athmethan, which Jordan Exeter had managed to hold separate from Dungarvan in the late thirteenth century despite a royal grant to the contrary, was held by the Desmonds by 1356. It was recovered by the first earl (as it figured in his wife's dower¹²⁸) but there is no indication of how or when it was recovered.¹²⁹

The first earl of Desmond was also able to expand his lordship through the purchase of lands. The first effort, his 1320s purchase of the Carew claim to half of Desmond, proved unsuccessful, but ten years later Desmond was able take advantage of Peter Grandison's withdrawal from Ireland. In 1339, Grandison, an absentee, obtained permission to sell Clonmel, Kilsheelan and Kilfeackle, Co. Tipperary.¹³⁰ Maurice fitz

¹²² See genealogical table, p. 213.

¹²³ *AI*, 1321.4; Nicholls, 'The development of... Cork', pp. 188-9; D. Ó Murchadha, 'The castle of Dún Mic Oghmainn and the overlordship of Carbery', *JCHAS*, 93 (1988) pp. 76-7.

¹²⁴ *AI*, 1310.5.

¹²⁵ Mullach is not an uncommon placename in Cork - there are six variants (W. Donnelly, *General Alphabetical Index to the Townlands and Towns, Parishes and Baronies of Ireland based on the Census of Ireland for the year 1851* (Baltimore, 1984) pp. 724-8). It has been suggested that this Mullach was either Mullach Mór (Mullaghmore, par. Caheragh) or Mullach Méise (Mullaghmesha, par. Dromdaleague) (Ó Murchadha, 'Dún Mic Oghmainn', p. 82, n. 55).

¹²⁶ *AI*, 1321(=1326); Nicholls, 'The development of... Cork', pp. 188-9; Ó Murchadha, 'Dún Mic Oghmainn', pp. 76-7.

¹²⁷ *NLI D 1571*; *COD*, iii, p. 34, no. 45; *NAI RC 8/16*, p. 240; Nicholls, 'The development of... Cork', p. 189.

¹²⁸ See below, p. 177.

¹²⁹ *RCH*, p. 79, no. 93.

¹³⁰ *CCR, 1339-41*, p. 180.

Thomas purchased them for 1,100 marks and had them conferred on himself and his wife Aveline in jointure.¹³¹ These lands, in the heart of the earl of Ormond's most productive lands and well south of the portion of Tipperary suffering from the Gaelic resurgence, were an excellent addition to Desmond's lordship. Kilsheelan and Clonmel lay along the fertile river basin of the Suir and Kilfeacle lay in the fertile lowlands west of Cashel.¹³² Clonmel was also one of the most important towns in Tipperary at the time, both for government and trade.¹³³ Maurice fitz Thomas had shown interest there a decade before this purchase: he was said to have collected money from Clonmel in the late 1320s 'to maintain the town'.¹³⁴ Following Desmond's forfeiture and restoration in the 1340s, there was a court case between the earls of Desmond and Ormond to determine whether these manors were held by Desmond of the king or if they were a part of Ormond's liberty of Tipperary.¹³⁵ As was discussed in Chapter 1, this was a very civil squabble over land rights as Eleanor, countess of Ormond - James's mother - named Desmond and her son James, the earl of Ormond, her attorneys in Ireland while this case was underway.¹³⁶ The verdict of the case has not survived, but later documents show the decision was in Desmond's favour.¹³⁷

However, royal patronage brought Maurice fitz Thomas the greatest gains to his lands and lordship: his legal and military efforts over the course of his career brought him a few manors but royal patronage brought him cantreds, offices and a liberty. When he was created earl of Desmond in 1329, Maurice fitz Thomas also received the advowson of the church of Dungarvan; a pardon for life of the 200 marks rent of Dungarvan and all arrears on that rent; a pardon for all offences committed between the king's coronation and October 10, 1329; and the offices of sheriff of counties Cork and Waterford. But the most important gain was the grant in tail-male of Kerry as a liberty, reserving only the four royal pleas and profits of crosslands for the crown.¹³⁸ After the

¹³¹ *Clyn*, p. 29; *CCR*, 1339-41, p. 180; *RCH*, p. 69, no. 67; Frame, *English Lordship*, pp. 21-2, 59.

¹³² T. W. Freeman, *Ireland: A General and Regional Geography* (London, 1965) pp. 304-5, 311, 320-1.

¹³³ Bradley, 'The medieval towns of Tipperary', *THS*, pp. 35, 47.

¹³⁴ *Leg. Proc.*, p. 7.

¹³⁵ *CCR*, 1349-54, pp. 7, 319.

¹³⁶ *CPR*, 1350-4, p. 147.

¹³⁷ *CPR*, 1354-8, p. 328; *COD*, iii, pp. 376-7, no. 348.

¹³⁸ See Chap. 1, pp. 53-4.

creation of the liberty, Maurice fitz Thomas stood firmly between the king and the community of the county:

The lands of tenants-in-chief in the county were held immediately of the earl; all pleas which arose in the county, except the four specified in the charter, were pleaded in the court of the liberty... by the earl's writ; all writs, whether of the earl or of the king, were executed by the earl's officers; and all breaches of the peace, except for the four pleas, were breaches of the earl's peace...¹³⁹

The earl's power was, of course, far from absolute: this was a delegation rather than abdication of royal authority in Co. Kerry. If the earl's officials failed to carry out royal writs, the sheriff of the crosslands could enter the liberty and failure to carry out writs, enforce the law or bend to the king's wishes could result in forfeiture of the liberty.¹⁴⁰ The liberty was, to a certain extent, held at the king's pleasure because ample flaws could be found in the grants and exploited by government officials should the king choose to allow them to do so.¹⁴¹ In spite of the first earl's 'best' efforts (his two forfeitures), questions concerning the extent and power of the liberties, and problematic successions, the liberty of Kerry survived the period under discussion and continued until the sixteenth century when the earldom was forfeit after one final rebellion.¹⁴²

Expansion in the Fourteenth Century - The Second and Third Earls, 1356-98

There is very little information concerning the exact boundaries of the earl of Desmond's lordship for a considerable period after the death of the first earl in 1356; there is no information concerning the expansion or contraction of the lordship under the short-lived second earl, Maurice fitz Maurice (d.1358), and there is little information about lands lost or acquired by Gerald fitz Maurice, the third earl of Desmond. The main source is a very brief inquisition taken in 1420/1 concerning the landholdings of Gerald's son John in 1399.¹⁴³ The silence of the records concerning land acquisition should not be taken as a sign that the lordship made few gains in this period, as is shown by the 1420 inquisition. Instead, that silence and what little information does survive

¹³⁹ Empey, 'The Butler lordship in Ireland', pp. 371-2. Empey is here referring to the earl of Ormond.

¹⁴⁰ Empey, 'The Butler lordship in Ireland', pp. 371-2, 388; Otway-Ruthven, *Med. Ire.*, p. 187; Frame, *English Lordship*, p. 21.

¹⁴¹ Frame, *English Lordship*, pp. 119-20. For an example of how the wording of charters of liberties could be re-interpreted see M.T. Clanchy, 'The franchise of return of writs', *TRHS* (5th series), 17 (1967) pp. 59-82 and J. Scammell, 'The Origin and Limitations of the Liberty of Durham', *EHR*, 81 (1966) pp. 449-73.

¹⁴² Otway-Ruthven, *Med. Ire.*, p. 175.

suggests the second and third earls carried on with Maurice fitz Thomas's later tactic of offering protection in return for acceptance of his lordship.

By 1399, Gerald fitz Maurice or his son John fitz Gerald, fourth earl of Desmond (d.1399) had achieved some gains in Tipperary, Cork and Limerick. The 1420/1 inquisition gives a very brief list of lands held by the Desmonds, including the thirteenth-century lands in Kildare, long since lost to the Irish, as well as their holdings in Kerry and Waterford, the latter of which had declined steeply in value due to the Irish and, no doubt, the 'rebel English'.¹⁴⁴ The inquisition also noted modest gains in Tipperary and Cork as well as substantial gains in Limerick. In Tipperary, the Desmonds had gained the manor of Owlis¹⁴⁵ and part of the manor of Tipperary was held of the Burghs. In Limerick, the Desmonds had spread east gaining the manor of Cloncourth in the cantred of Bruree, the manor of Fedamore in the cantred of Esclon and Ioleger, the manor of Adare in the cantred of Adare and Croom, one carucate at Corbally¹⁴⁶ and Mineterscourt.¹⁴⁷ In Cork they had gained the manor of Knockmourne and Newtown Olethan [Ballynoe] in the cantred of Olethan and the manor of Broghill in the cantred of Muscredonegan.¹⁴⁸ The Desmonds also seem to have gained lands in the barony of Ardrahan in Connacht. Unfortunately there is no indication of how or when they gained these lands. Undoubtedly there were a number of methods at work. Some of these lands may have been purchased, gained through legal disputes, given as dowry, granted to the earls by local men seeking their favour or forfeited absentee lands granted to the earl. However, in the absence of any mention of the transfer, it seems likely that much of this continued expansion was the result of the methods used in Askeaton and Rathkeale.

It also seems that the Desmond Geraldines' claim to their lands was not yet secure despite the surrender and regrant which took place between Edward I and

¹⁴³ NLI D 1571; *COD*, iii, pp. 30-7, no. 45.

¹⁴⁴ NLI D 1571; *COD*, iii, pp. 30-2, no. 45.

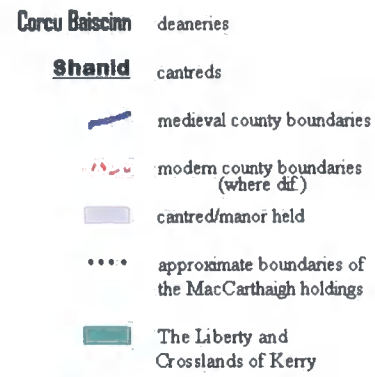
¹⁴⁵ This may be Rathmaceandan, which Maurice fitz Thomas and his wife received from Milo Ketyng but which is not mentioned in the 1420 inquisition (*RCH*, p. 69, no. 67; Frame, *English Lordship*, pp. 21-2).

¹⁴⁶ There are two Corballys in Limerick. This carucate was either near Limerick town or in the cantred of Natherlach.

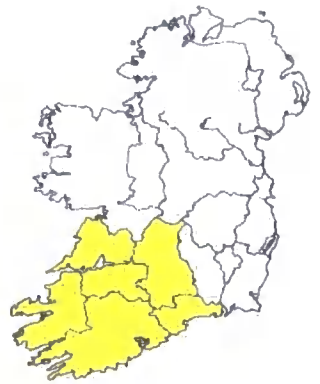
¹⁴⁷ The inquisition suggests Mineterscourt was near Corbally.

¹⁴⁸ NLI D 1571; *COD*, iii, pp. 33-5, no. 45; *Pipe Roll of Cloyne*, p. 202.

The Landholdings of Gerald fitz Maurice



- 1) Glenogra
- 2) Stradbally
- 3) Killorglin
- 4) Mallow
- 5) Fedamore
- 6) Knockmounse
- 7) Cloncouch
[Clonmanswell]
- 8) Kilsheelan
- 9) Kilfeakle
- 10) Clonmel
- 11) Feenagh
- 12) Broghill



Thomas fitz Maurice a century earlier: while in Ireland, Richard II called on Desmond to prove his rights to the castle, manor, and honor of Dungarvan.¹⁴⁹ As was discussed in Chapter 2, the manor and honor of Dungarvan do appear to have been legitimate Desmond Geraldine holdings but the castle was a royal castle which had been in Geraldine custody for over a century.¹⁵⁰

Throughout the fourteenth century, the earls of Desmond were adding lands to their lordship. Due to the briefness of the 1420 extent, basically only those additions which caused a dispute with either an unwilling tenant or the crown can be charted in any detail. For instance, the addition of Athmethan was only noted as part of Aveline's dower rather than when Maurice fitz Thomas exerted his lordship over the region. The 1420 extent also fails to give a clear picture of Irish encroachment on Desmond lands. It gives a curiously small value for Dungarvan but presents no information as to what lands were no longer of any value.

Much has been made of the information about the expansion of the lordship that does survive and it has mostly been used to supplement the accusations made against Maurice fitz Thomas by various government inquisitions. 'The territorial ambitions of the earls of Desmond are, however, hardly unusual. For instance, the dispute over the Clare inheritance bears a striking resemblance to John fitz Thomas, the first earl of Kildare's, efforts to occupy the lands of Agnes Valence in Ireland.'¹⁵¹

The near total silence that follows the death of the first earl should not be taken to suggest a lack of expansion under the third, as is shown by the 1420/1 inquisition. This silence is in part due to a shift in surviving records but there is also some indication that it represents a shift in the methodology of land acquisition: a shift away from the violence and force which characterised most of the first earl's career towards something more subtle during the first earl's final years and under the third earl. Equally, this could have been the result of the increasingly disturbed nature of the lordship. In the first half of the fourteenth century, lords wished to retain the prestige and autonomy of holding *in*

¹⁴⁹ *RCH*, p. 153, no. 3.

¹⁵⁰ See Chap. 2, pp. 139-41.

capite but by the second half of the century, the protection of a powerful magnate family began to outweigh the value of being a tenant-in-chief. The earl of Desmond was able to offer landholders in southwest Munster a much greater level of protection than the king.

Dowers and Jointures

Owing to the early deaths of several members of this line, dowers and jointures tended to pose a significant difficulty for the male heir. When Thomas fitz Maurice died, his mother, Matilda Barry, still held her dower (Tralee and 'New Manor', Co. Kerry) and continued to hold it at least until 1300,¹⁵² but she seems to have died prior to Maurice fitz Thomas inheriting the lordship. Maurice's mother Margaret Berkeley, on the other hand still held her dower, Dungarvan, for a considerable period. She seems to have held the lands at least until 1326,¹⁵³ but Dungarvan was in Maurice fitz Thomas's hands by 1329.¹⁵⁴

Matilda's dower would have had little effect on the lordship, as she died before Maurice fitz Thomas attained his majority. But Margaret's dower posed a significant loss until its return. In fact, it seems that the whole of the family's lordship had been granted in jointure to Thomas fitz Maurice and his wife in 1292,¹⁵⁵ but it is clear that Margaret held only Dungarvan after Thomas fitz Maurice's death. Dungarvan was by far the most stable and most valuable portion of the family's holdings and constituted far more than one third of the lordship so either the 1292 grant in jointure allowed Margaret to keep a larger portion than she would have otherwise received or this larger dower had been agreed at the time of the marriage.¹⁵⁶ There is unfortunately no information regarding the arrangement reached between mother and son as to how the dower lands were administered. The only clues are that Maurice fitz Thomas was making payments

¹⁵¹ C. Ó Cléirigh, 'The absentee landlady and the sturdy robber', Meek and Simms (eds) *The Fragility of her Sex* (Dublin, 1996) pp. 108, 111, 114.

¹⁵² *CJRI*, 1295-1303, p. 311.

¹⁵³ *42nd Rep. DKI*, p. 68.

¹⁵⁴ *RCH*, p. 27, no. 45; *42nd Rep. DKI*, p. 40.

¹⁵⁵ *CDI*, 1285-92, p. 464, no. 1051; p. 466, no. 1061.

¹⁵⁶ G. Kenny 'The power of dower: the importance of dower in the lives of medieval women in Ireland', Meek and Lawless (eds) *Studies on Medieval and Early Modern Women: Pawns or Players* (Dublin, 2003) pp. 59-60.

into the exchequer for Reginald and Margaret and he was occasionally said to be in Dungarvan during the period.¹⁵⁷ It is possible, therefore, that once Maurice came of age, he administered Dungarvan and, presumably, paid the profits (or some portion of them) to his mother and her husband but it is equally possible that Maurice fitz Thomas was merely acting on their behalf while he was in Dublin on his own business.

Matilda's dower and Margaret's portion had both come in the form of distinct parcels of land: Matilda had held most of the family's holdings in Kerry and Margaret had held most if not all of the family's holdings in Waterford. Aveline, on the other hand, seems to have received one third of the value of each and every manor, presumably in the form of rents. In February 1358, she obtained a judgment that one third of the manors of Castleisland and Ardagh and one third of the cantred of Desmond should be turned over to her as dower.¹⁵⁸ Further orders followed that year and the next adding one third of the manors of Dunnamark and Newcastle, one third of the chief serjeancy of Cork, one third of the vill of Tralee and one third of the profits of Desmond's liberty of Kerry as well as additional lands which are illegible on the documents regarding Aveline's dower as well as her portion of the £40 annual renders of the Barony of Athmethan and Balyconnery.¹⁵⁹

Along with her dower, it seems Aveline also held the manors of Kilsheelan and Kilfeackle, the vill of Clonmel and the manor of Rathmaceandan in jointure with Maurice fitz Thomas. The first three, said to be a gift from Peter Grandison, were the lands Maurice fitz Thomas purchased in Tipperary and the manor of Rathmaceandan was said to be a gift from Milo Ketyng and so may also have been purchased.¹⁶⁰ At this time in England, jointures were usually arranged to take the place of dowers. These jointures were often much smaller than the third of the lordship which widows were entitled to, but they could not be contested and fought over in the way dower land could be.¹⁶¹ But in this instance, Aveline appears to have held the jointure in addition to her

¹⁵⁷ 42nd rep. *DKI*, pp. 40, 68; NAI KB 1/2, m. 17.

¹⁵⁸ *RCH*, p. 70, no. 78.

¹⁵⁹ *RCH*, p. 69, no. 66; p. 70, no. 79; p. 79, no. 93.

¹⁶⁰ *RCH*, p. 69, no. 67; Frame, *English Lordship*, pp. 21-2.

¹⁶¹ C. Given-Wilson, *The English Nobility in the Later Middle Ages* (London, 1987) pp. 139-40, n. 52; Kenny 'The power of dower', p. 59.

dower. The last clear mention of Aveline in the records is March 1359.¹⁶² The arrangements regarding her dower are, in part, responsible for this. Because she seems to have held little land outright, it is all but impossible to track when her dower returned to the earl's holdings. The exact nature of the arrangement is also unclear. It seems likely that she received her dower in the form of payments made to her by the earls or custodians of the earldom.

Beatrice, however, held a jointure rather than a dower, as had been negotiated when the marriage contract for her marriage to Maurice fitz Maurice was drawn up.¹⁶³ In June 1358, Richard Stafford and Thomas Croysdale were appointed as custodians of her lands in Ireland¹⁶⁴ and her father set about securing the lands she held in jointure.¹⁶⁵ A 1358 writ suggests that her £200 jointure consisted of the manor of Mallow, 6 carucates in Kilorglan and Newgrange, part of the manor of Newcastle, and the manors of Shanid, Askeaton and Glenogra.¹⁶⁶ Beatrice remained in England.¹⁶⁷ This left Gerald fitz Maurice holding better than two thirds of the lordship, but owing the profits of one third of the whole lordship to his mother.

Gerald had probably regained the lands held by Aveline early in his career, but Beatrice out-lived him and two more husbands as well: she married Thomas Ros in 1358 and Richard Burley in 1385.¹⁶⁸ She lived until 1415 but she may not have held her dower lands in Ireland for all that time.¹⁶⁹ The anti-absentee legislation of the later fourteenth century brought considerable pressure to bear on absentees from the 1360s onward causing a number of absentees to sell their Irish interests.¹⁷⁰ The legislation first posed a threat to her in 1369 when her lands were forfeit but she recovered them in 1370.¹⁷¹ In 1399, Beatrice still had an attorney in Ireland;¹⁷² however, there is some indication that her jointure was lost some time between 1371 and 1374. In 1371

¹⁶² *RCH*, p. 79, no. 93.

¹⁶³ K.B. McFarlane, *The Nobility of Later Medieval England* (Oxford, 1973) p. 85.

¹⁶⁴ *RCH*, p. 72, no. 18; *CPR*, 1358-61, p. 58.

¹⁶⁵ *RCH*, p. 69, no. 55; *NAI RC* 8/27, p. 302.

¹⁶⁶ *RCH*, p. 71, no. 101.

¹⁶⁷ *CPR*, 1358-61, p. 58.

¹⁶⁸ *CPR*, 1358-61, p. 143; *CPR*, 1385-9, p. 8.

¹⁶⁹ *CIPM*, xx, pp. 114-8, nos. 371-89.

¹⁷⁰ Frame, *English Lordship*, pp. 59-60.

¹⁷¹ *CPR*, 1370-4, p. 27.

Askeaton was said to be held by the countess of Desmond,¹⁷³ but by December 1374, Askeaton was held by Gerald.¹⁷⁴ It is possible that William of Windsor once again seized Beatrice's lands at this point and returned them to Gerald but as the change seems to have elicited no comment from Beatrice, it seems more likely that Beatrice and Gerald came to some mutually advantageous agreement regarding the lands she held in jointure. Perhaps under the circumstances, she was willing to accept an annual payment in place of these lands. In England at the time it was not uncommon to put 'pressure on a widow to commute her dower rights for a straight cash annuity';¹⁷⁵ under these circumstances such a deal might have been preferable to the time-consuming, costly, and uncertain route of gaining the king's help each time the absentee statutes were applied.

Relations between Desmond Geraldine widows and heirs appear to have been good. Only Aveline seems to have had difficulty obtaining her dower and even her difficulties do not seem to have been severe or the result of an unwilling heir trying to block her from her dower. This lack of conflict suggests that both the widows and heirs must have been somewhat flexible. On the face of it, this is hardly surprising as in most cases we are discussing widows and heirs who are mother and son, but the familial relationship did not prevent serious disputes elsewhere.¹⁷⁶ However, the best possible relationship would not have decreased the crippling economic impact dowers had on the lordship, particularly in the case of Gerald fitz Maurice: when Gerald received the earldom both his mother and his brother's widow held portions of it leaving him with roughly half of his father's income. In the case of the Desmond Geraldines, there is little indication that this temporary loss of lands and income caused excessive difficulties for heirs but it did lower the ceiling of ambition: the substantial payments made by Maurice fitz Thomas for custody of the Ormond lordship in the 1340s would have been impossible in the 1320s or 1360s.

¹⁷² *CPR*, 1396-9, p. 495.

¹⁷³ *CCR*, 1369-74, p. 231

¹⁷⁴ *CCR*, 1374-7, pp. 59-60

¹⁷⁵ Given-Wilson, *The English Nobility*, pp. 139-40; 200-1, n. 52.

¹⁷⁶ G. Kenny 'The power of dower', pp. 67-8.

part ii: administration of the lordship

There is limited information concerning the administration of the earldom of Desmond and the liberty of Kerry but glimpses of the administrative structure come through in a number of documents. Not surprisingly this information shows considerable similarities between the Desmond lordship and 'English' lordships throughout England and Ireland. These similarities are most obvious when the lordships of the earls of Ormond and Desmond are compared. With the help of details provided from other lordships, particularly the lordship of the earls of Ormond, it is possible to construct a coherent picture of the administration of the earldom of Desmond as well as to chart some changes in that administration during the course of the century.

The basic administrative unit of a lordship was the manor. In Ireland, the term 'manor' was applied to a wider range of landholdings than in England. Though the term could apply to landholdings similar in size to an ordinary English manor, it was also applied to far more extensive regions such as the cantred of Shanid which seems to have been administered as a single manor.¹⁷⁷ The cantred of Ardagh, just south of Shanid was, however, split into three manors, Killeedy, Mahoonagh and Newcastle.¹⁷⁸ In terms of size, a cantred can be roughly equated to an English hundred.¹⁷⁹ These extensive manors were often subdivided into smaller units (usually for the purpose of subinfeudation), each called a *theodum*, which were more similar in size to an English manor.¹⁸⁰ There are also instances of manors within manors: the manor of Rathkeale was part of the manor of Askeaton (a cantred sized manor).

The administrative centre of the manor was often a castle with a manorial settlement or town around it. In some areas in the east, there was occasionally just an undefended manorial house and/or hall,¹⁸¹ but in the Desmond holdings there was almost always a castle at the core of the manor, a fact often attested to by even the

¹⁷⁷ C.A. Empey, 'The cantreds of medieval Tipperary', *NMAJ*, 13 (1970) p. 23.

¹⁷⁸ C.A. Empey, 'The settlement of the kingdom of Limerick', Lydon (ed.) *England and Ireland in the Later Middle Ages* (Blackrock, 1981) pp. 2-13.

¹⁷⁹ Empey, 'The cantreds of medieval Tipperary', p. 23.

¹⁸⁰ C.A. Empey, 'Conquest and Settlement: Patterns of Anglo-Norman Settlement in North Munster and South Leinster', *Irish Economic and Social History*, 13 (1986) pp. 12, 15-16; A.J. Otway-Ruthven, 'Anglo-Irish Shire Government in the Thirteenth Century', *IHS*, 5 (1946) p. 9.

nomenclature. This is not to say that each possessed a substantial stone fortification like those at Newcastle, Shanid, and Dungarvan or the 'impregnable'¹⁸² fortress at Castleisland; but that each had at least an earth and timber castle. Manwyr may be the exception as the 1298 inquisition lists the presence of a hall but gives no indication of fortifications; this, however, could merely indicate that the information concerning the buildings associated with the manor was incomplete.¹⁸³

There has been a great deal of debate over the issue of settlement patterns in Anglo-Norman Ireland; whether the dominant form was small scattered farmsteads throughout the manor or larger manorial settlements built around castles.¹⁸⁴ Places such as Rigsdale, Co. Cork prove the existence of small fortified farmsteads but they also demonstrate the problems inherent in this settlement form: defence. The stone house under construction at Rigsdale in the late thirteenth or early fourteenth century was never completed, presumably due to the Gaelic encroachment eastward in Cork at that time.¹⁸⁵ It has been suggested that these isolated farmsteads should be seen as proof of expansion of cultivation rather than the dominant settlement form.¹⁸⁶

In either case, the castle and its outbuildings served as the administrative centre of the manor: demesne production and the manor court were both based there and it served as the residence of the lord. Magnates and those lords holding multiple manors often made one of their manors their chief seat, their *caput* manor, such as the Butlers' use of Nenagh, Co. Tipperary. The *caput* manor of the earls of Desmond is less clear. Prior to the fourteenth century, the family was based at Shanid but Dungarvan¹⁸⁷ and

¹⁸¹ K.D. O'Connor, *The Archaeology of Medieval Rural Settlement in Ireland* (Dublin, 1998) pp. 26-7.

¹⁸² *quod vulgi iudicio vix erat expugnabile* (Clyn, p. 31).

¹⁸³ *CDI*, 1293-1301, p. 260.

¹⁸⁴ O'Connor, *The Archaeology of... Settlement*, pp. 44-6; F.H.M. Aalen, K. Whelan and M. Stout (eds) *Atlas of the Irish Rural Landscape* (Cork, 1997) pp. 181-4; B.J. Graham, 'Anglo-Norman manorial settlement in Ireland: an assessment', *Irish Geography*, 18 (1985) pp. 6-7; B.J. Graham, *Medieval Irish Settlement*, Historical Geography Research Series, 3 (1980) pp. 12-24.

¹⁸⁵ T.B. Barry, *The Archaeology of Medieval Ireland* (London, 1987) pp. 90-1; O'Connor, *The Archaeology of... Settlement*, p. 66.

¹⁸⁶ Graham, *Medieval Irish Settlement*, pp. 22-4.

¹⁸⁷ Dungarvan was the centre of a large and profitable portion of the lordship, but the region was in decline in the fourteenth century and seems to have been of lesser importance by the close of the century.

Castleisland¹⁸⁸ also became important administration centres. Shanid, however, may have retained official pride of place as '*Shanid Abú*' (Shanid forever) was later the Desmonds' war cry.¹⁸⁹

The central administration of the lordship, however, cannot be identified with a specific location as it was tied not to a fixed locality, but rather to the lord. The rule of the earls of Desmond was direct. The first and third earls of Desmond were rarely absent from the lordship while it was in their power to be there. The first earl was twice absent due to forfeiture and imprisonment and once as justiciar. The third earl was absent only while he was justiciar and during his captivity at the hands of the Uí Bhriain.

The key administrative unit of the lordship was the household.¹⁹⁰ The chief officers of the household were the seneschal of the household who was 'responsible for managing the earl's household' as well as a treasurer of the household who dealt with the expenses of the household.¹⁹¹ Owing to the lack of administrative records from the Desmond lordship, there is no evidence to prove these offices existed in Kerry with these titles, but the task of organising the household and paying its expenses would have fallen to one or more officials within the earl's household. Similarly the other offices commonly associated with the household such as the chamberlains, marshals, clerks of the kitchen, butlers, chief chaplains, valets, grooms, and pages, would have been carried out as well.¹⁹²

The lord's council was another key organ of the administration of the lordship. A lord's council advised him on not only the administration of his lordship but also, political, legal and even family and personal problems.¹⁹³ There is ample evidence regarding Maurice fitz Thomas's reliance on his council during difficult times. This

¹⁸⁸ In the legal proceedings against Maurice fitz Thomas, he was often said to have been at Castleisland and Gerald fitz Maurice was said to have died there. Castleisland may have been the most secure Desmond fortification rather than the *caput*.

¹⁸⁹ McCotter, 'The sub-infeudation... (part ii)', p. 97.

¹⁹⁰ M. Altschul, *A Baronial Family in Medieval England: The Clares, 1217-1314* (Baltimore, 1965) pp. 232-9; Given-Wilson, *The English Nobility*, pp. 87-95.

¹⁹¹ Empey, 'The Butler Lordship in Ireland', pp. 450-2; Given-Wilson, *The English Nobility*, p. 90.

¹⁹² Given-Wilson, *The English Nobility*, pp. 91-2.

¹⁹³ Empey, 'The Butler Lordship in Ireland', pp. 457-8; N. Denholm-Young, *Seignorial Administration in England* (Oxford, 1937) pp. 26-7; Altschul, *A Baronial Family*, pp. 234-6; A.E. Levett, *Studies in Manorial History* (Oxford, 1938) pp. 22-6; Given-Wilson, *The English Nobility*, pp. 98-103; Hartland, 'English Rule', pp. 148-56.

comes through strongly in the inquisitions held against him in the 1330s and 1340s. At several key points in his disputes with the royal government in Ireland, Maurice fitz Thomas was said to have acted only after meeting with his council.¹⁹⁴

It is also possible to distinguish some basics concerning who served on his council. In general terms, a lord's council was made up of the various officials of his lordship (including liberty officials for those who held liberties) as well as a lord's major subtenants.¹⁹⁵ Chapter 5 will give more detail concerning the individuals who sat on the first earl's council, but they followed the general pattern just laid out. As well as his officials and subtenants, Maurice fitz Thomas also called on members of his lineage to fill out his council. Throughout his career, we find members of his extended lineage as well as close relatives acting as counsellors. In the inquisitions against Desmond the emphasis is on those counsellors who also played an active military role but other evidence shows the presence of clerks as well. Desmond's council also would have included men with legal training: for example, Patrick Fox was a member of a prominent legal family as well as a member of the third earl of Desmond's council.¹⁹⁶

The actual administration of the lordship and the liberty of Kerry would have been carried out through a number of officials acting for the earl. We will first look at the administration of the liberty. A 1420 inquisition¹⁹⁷ gives a brief glimpse of the organization of the liberty and further details can be gleaned from a few additional surviving references. The evidence from the liberties of Carlow, Kildare, Kilkenny, Wexford, Trim and Tipperary supplies a good deal of additional information concerning the organisation of Anglo-Irish liberties but for the administration of the lordship and its interaction with the administration of the liberty we are more dependent on the surviving material for the earldom of Ormond as the lordships of Carlow, Kilkenny, Wexford and Trim were almost coterminous with their associated liberties.

¹⁹⁴ Leg. Proc., pp. 17, 29-31, 35; G.O. Sayles, 'The rebellious first earl of Desmond', Watt, Morrall and Martin (eds) *Medieval Studies Presented to Aubrey Gwynn, S.J.* (Dublin, 1961) pp. 211, 217.

¹⁹⁵ Empey, 'The Butler Lordship in Ireland', pp. 457-8; Denholm-Young, *Seignorial administration*, pp. 26-7; Altschul, *A Baronial Family*, pp. 234-6; Levett, *Studies in Manorial History*, pp. 22-6; Given-Wilson, *The English Nobility*, p. 98-103; Hartland, 'English Rule', pp. 148-56.

¹⁹⁶ See Chap. 5, pp. 272-4.

¹⁹⁷ NLI D 1571; *COD*, iii, pp. 35-6, no. 45.

As the lord of a liberty was essentially acting in place of the king in a particular region, the lords often mimicked the structure of the royal government in their administration of the liberty.¹⁹⁸ As in most liberties, the chief officer of the liberty of Kerry was the seneschal.¹⁹⁹ His position within the liberty is often compared to that of the justiciar within the lordship of Ireland; like the justiciar, he acted in the place of the lord but with the counsel of the other officers. He was responsible for the whole of the administration with military, administrative, judicial, and financial duties. He presided over the liberty court, accounted at the exchequer in the same manner as a sheriff, and witnessed any writs issued in the lord's name.²⁰⁰ In times of war, the seneschal was also called upon to take part in or lead military campaigns as well as fortifying castles, raising subsidies, and guarding areas of the march. He could also be called upon to enforce the terms of peace.²⁰¹

As the office of seneschal included the duties formerly carried out by the sheriff, the seneschal was required to take an oath of service to the king in the presence of the treasurer and barons of the royal exchequer as well as to the lord of the liberty: an active reminder that the liberty was a delegation, rather than abdication, of power by the king.²⁰² By the end of the fourteenth century, the seneschal's tasks seem to have been lightened by the employment of a sheriff of the liberty who fulfilled the duties of a sheriff but accounted to the treasurer of the liberty: the seneschal continued to account at the royal exchequer for the liberty.²⁰³ Because of the dearth of records, it is impossible to tell when this office first appeared in the liberty of Kerry but sometime prior to 1401, Maurice fitz Richard, 'sheriff of Desmond' was said to have taken part in

¹⁹⁸ Denholm-Young, *Seignorial Administration*, p. 13. Altschul, *A Baronial Family*, p. 232. For a slight variant on this structure of liberty administration, see Levett, *Studies in Manorial History*, pp. 103-16.

¹⁹⁹ NLI D 1571; *COD*, iii, pp. 35-6, no. 45. See NAI RC 8/26, p. 324 for a copy of the letters patent appointing Nicholas de la Pulle as seneschal of Kerry.

²⁰⁰ Empey, 'The Butler Lordship in Ireland', pp. 430-5; Hartland, 'English Rule', pp. 125-44; Altschul, *A Baronial Family*, pp. 226-9; M.S. Hagger, *The Fortunes of a Norman Family: the de Verduns in England, Ireland and Wales, 1066-1316* (Dublin, 2001) pp. 167-9; K. Down, 'Colonial society and economy in the high middle ages', *NHI*, ii pp. 466-7.

²⁰¹ Empey, 'The Butler Lordship in Ireland', pp. 433-4; Hartland, 'English Rule', pp. 186-8, 192, 194; Down, 'Colonial society', pp. 466-7. For a slight variant on the duties of a seneschal within a liberty see Levett, *Studies in Manorial History*, pp. 103-9.

²⁰² Empey, 'The Butler Lordship in Ireland', p. 431; Otway-Ruthven, *Méd Ire.*, p. 184; Down, 'Colonial society', pp. 466-7.

²⁰³ Empey, 'The Butler Lordship in Ireland', pp. 441-3.

a robbery. Presumably, this 'sheriff of Desmond' was the sheriff of the liberty.²⁰⁴ This office may have existed from very early on in the history of the liberty because of the military role of the seneschal: a second officer was required for the day to day administrative tasks of a sheriff.

In the other Anglo-Irish liberties, the office of seneschal was usually held for only brief periods of time,²⁰⁶ but this does not hold true in Desmond. In the period 1329-1375, the earls of Desmond appointed only six seneschals.²⁰⁷ In the liberty of Tipperary, nineteen seneschals served during the same 46 year period.²⁰⁸ There is insufficient evidence

Seneschals of the liberty of Kerry²⁰⁵

seneschal	known period of service
John Coterel	1329-30
John Inscoul	1331-45
Robert L'Enfaunt	1351-53
Nicholas de la Pull	1353-5
Robert L'Enfaunt (second term of service)	1357-9
Walter L'Enfaunt	1360-68
Patrick Fox	1373-5

to speculate on the reason for these longer terms of service but one suspects the results may have been the more efficient operation of the liberty due to the considerable experience of the seneschals. There is no evidence for the appointment of deputies by seneschals of the liberty of Kerry but, as this was an acceptable practice in other liberties, the possibility can not be discounted.²⁰⁹

The second most important official in the liberty of Kerry was the treasurer or receiver.²¹⁰ The holder of this position was responsible for receiving all money owed to the lord or to the king within the liberty as well as the money from the sale of the surplus production of the manors and receiving the accounts of the manor officials.²¹¹ It has been argued that no 'exchequer' existed in Tipperary during the middle ages on the grounds that the term was never used and the seigniorial audit system already in place prior to the creation of the liberty continued to function.²¹² This would also appear to have been the case in Kerry. The main difference between the seigniorial audit system

²⁰⁴ T. O'Neill, *Merchants and Mariners in Medieval Ireland* (Dublin, 1987) p. 128; *CPR, 1399-1401*, p. 451.

²⁰⁵ See Appendix F, p. 300.

²⁰⁶ Hartland, 'English Rule', p. 127; Empey, 'The Butler Lordship in Ireland', pp. xli-xliii.

²⁰⁷ See Appendix F, p. 300.

²⁰⁸ Empey, 'The Butler Lordship in Ireland', pp. xli-xliii.

²⁰⁹ Empey, 'The Butler Lordship in Ireland', pp. 434-5.

²¹⁰ NLI D 1571; *COD*, iii, pp. 35-6, no. 45.

²¹¹ Empey, 'The Butler Lordship in Ireland', pp. 439-41; Hartland, 'English Rule', pp. 144-8; Down, 'Colonial society', pp. 466-7.

²¹² Empey, 'The Butler Lordship in Ireland', pp. 440-1.

that time in both Kerry and Tipperary.²²⁰ The title and certainly its prominence in the liberty date to the very end of the period covered in this thesis if not, in fact, beyond it,²²¹ but the office must have evolved from a position which existed from the beginning of the liberty. The holder of this office was a 'trained lawyer who assisted and advised the seneschal in his judicial capacity'.²²² Someone meeting this description would have existed from the beginning of the liberty. There are clear indications that justices were occasionally employed as part of a lord's council and lawyers were certainly retained by lords so there can be no doubt that lords sought the advice of men with training or at least experience of the law.²²³ Since, with the possible exception of Patrick Fox, the men employed as seneschals were not men with legal training, they would have required this sort of counsel from the beginning. The lack of evidence concerning the office of justice of the liberty prior to the early fifteenth century does not indicate that the office represented the addition of a judicial expert to the seneschal's company at that time, but rather reveals an increase in the importance placed on the office and an expansion of the prestige held by the officer.

The powers of other royal offices, such as chancellor, escheator and keeper of the market,²²⁴ would also have been exercised by liberty officials in Kerry from 1329, but whether an individual held each of these offices from the beginning is unclear. The first reference to a chancellor in Tipperary was in 1359 and even then he held none of the judicial powers of that office - these were exercised by the lord and his council until after the fourteenth century.²²⁵ Though someone would have acted in this office from the earliest period of the liberty, it existed without the array of powers held by the royal chancery.

It seems likely that the office of escheator would also have existed within the liberty soon after its creation. Despite the lack of custody of tenants-in-chief during minorities (due to the crown's right to prerogative wardship), which Empey cites as a

²²⁰ NLI D 1571; *COD*, iii, pp. 35-6, no. 45; Empey, 'The Butler Lordship in Ireland', pp. 435-7.

²²¹ Empey, 'The Butler Lordship in Ireland', pp. 435-7.

²²² Empey, 'The Butler Lordship in Ireland', p. 436.

²²³ Levett, *Studies in Manorial History*, p. 26; Empey, 'The Butler Lordship in Ireland', p. 458; N. Ramsay, 'Retained legal counsel', *TRHS*, 35 (1985) p. 101; Frame, *English Lordship*, p. 67.

²²⁴ NLI D 1571; *COD*, iii, pp. 35-6, no. 45; Empey, 'The Butler Lordship in Ireland', pp. 437-9, 444.

²²⁵ *COD*, ii, p. 45, no. 49; Empey, 'The Butler Lordship in Ireland', pp. 438-9.

reason for the apparent unimportance of the escheator in the liberty of Tipperary,²²⁶ it is clear that there were still a number of minorities within these lordships. The Irish pipe rolls contain numerous examples from the first fifteen years of the fourteenth century of the crown holding minorities which would have been in the hands of Thomas fitz Maurice's heir, had he been of age.²²⁷ But this office would have been carried out by seigniorial officials prior to the creation of the liberty and, therefore, it would have been unnecessary to create a new system, at least not immediately.

Empey has also argued that the appearance of minor officers such as the keeper of the market in the late fourteenth century in Tipperary (there is no evidence for this office's existence in Kerry) reflected a move towards greater administrative efficiency or even better enforcement of royal regulations.²²⁸ However, there are other important factors. It may reflect the aspirations of the earl:²²⁹ exercising his privileges as visibly as possible through the appointment of officers of the liberty. The granting of the office as patronage also might have been an impetus for its creation.

The final liberty officers, the coroners, would have functioned from 1329 onwards just as they had prior to the creation of the liberty: '[holding] inquests on dead bodies; [receiving] abjurations of the land made by felons in sanctuary; [hearing] appeals, confessions of felons, and appeals of approvers; and [attending] or [organizing] exactions and outlawries in the county court'.²³⁰ It seems they even continued to be elected by juries within the liberties just as they were in non-palatinate counties.²³¹

The administration of the rest of the Desmond Geraldine lordship would have operated in a very similar manner but under a separate set of officials who exercised considerably less authority. Just as the liberty administration mimicked the royal administration, seigniorial administration mimicked the royal administration as far as seigniorial powers allowed.²³² In the Butler lordship there was a very distinct separation

²²⁶ Empey, 'The Butler Lordship in Ireland', p. 444.

²²⁷ 39th Rep. DKI, pp. 57, 59, 63, 64; 42nd Rep. DKI, pp. 14, 22, 72; 43rd Rep. DKI, p. 15.

²²⁸ COD, ii, p. 241, no. 339.

²²⁹ O'Brien, 'Territorial ambitions', p. 60; A.F. O'Brien, 'Politics, Economy and Society: the Development of Cork and the Irish South-Coast Region c.1170 to c.1583', CHS, p. 114.

²³⁰ Otway-Ruthven, *Méd. Ire.*, p. 179; Empey, 'The Butler Lordship in Ireland', p. 445.

²³¹ Empey, 'The Butler Lordship in Ireland', p. 442. Some liberties in England did alter the methods by which the offices of the coroners were carried out (see Levett, *Studies in Manorial History*, pp. 106-9).

²³² Denholm-Young, *Seigniorial Administration*, p. 13; Altschul, *A Baronial Family*, p. 232.

between the administration of the liberty and the administration of the rest of the lordship. It is harder to prove for the liberty of Kerry and the earls of Desmond's lordship but it was likely to have been the case there as well.

The dominant officer in the administration of the lordship was, again, the seneschal, but the seneschal of the lordship lacked the legal role of his liberty counterpart. He acted as a manager of the earl's lands; overseeing the farming out of demesne lands and supervising the other officials of the lordship. In Tipperary, this office did not even have jurisdiction throughout the lordship but rather just in the centralised portion with outlying lands managed by local seneschals.²³³ If the Desmond Geraldine lordship followed this pattern, then there would have been at least two seneschals; one for Waterford and one for Limerick and Kerry (prior to Kerry gaining palatinate status). There was also a receiver who collected the profits of the lord's manors.²³⁴ It was important to fill this office with reliable men - Maurice fitz Thomas twice had to bring suit against his receivers²³⁵ - though, in the second instance, it was because the receiver was being called on in 1333 to account for the period just before Desmond's arrest in 1331.²³⁶ It was the receiver to whom the bailiffs, who were responsible for the operation of one or more individual manors and the collection of the rents of the free tenants, would have accounted.²³⁷

Another officer found throughout royal, seigniorial, and palatinate holdings was the castle constable. One example is cited in the inquisitions made against Desmond in 1332 and undoubtedly Desmond employed constables in the rest of his castles as well.²³⁸ Unfortunately, we lack evidence concerning the terms of the appointment. No doubt, Desmond was just as severe in his terms as Ormond who demanded that his constables defend and maintain his castles at their own expense and the punishment for

²³³ Empey, 'The Butler Lordship in Ireland', pp. 445-9.

²³⁴ Empey, 'The Butler Lordship in Ireland', pp. 449-50; Altschul, *A Baronial Family*, pp. 231-2.

²³⁵ NAI RC 8/14, p. 491; NAI RC 8/19, pp. 27-8; 219; NAI RC 8/20, p. 101; NLI GO MS 191, p. 75; NAI M 2648, p. 67.

²³⁶ NAI RC 8/19, pp. 27-8, 219; NAI RC 8/20, p. 101; NLI GO MS 191, p. 75; NAI M 2648, p. 67.

²³⁷ Denholm-Young, *Seigniorial Administration*, p. 32; Altschul, *A Baronial Family*, p. 229; Levett, *Studies in Manorial History*, pp. 103-9; Hagger, *The Fortunes of a Norman Family*, p. 175; Down, 'Colonial society', pp. 466-7; NLI D 820; COD, i, p. 304, no. 717.

²³⁸ Sayles, 'The rebellious first earl of Desmond', p. 212; Leg. Proc., p. 15.

losing a castle due to negligence was a fine of £100.²³⁹ A royal constable could be imprisoned for the same offence.²⁴⁰

The limited information available concerning the administration of the Desmond Geraldine lordship makes it difficult to draw conclusions about the methods used to govern there. What information we do have, shows that the earls of Desmond followed the same basic model as liberty holders in England and Ireland. However, it seems unlikely that Empey's picture of a 'government... conducted by amateurs'²⁴¹ applies to Desmond: Desmond's seneschals served longer terms. For instance, John Inscoul was the seneschal of the liberty of Kerry from 1331 until around October 1345.²⁴² This term of office has no equal during the fourteenth century in the liberty of Tipperary (and surely Inscoul must forfeit his amateur status after fourteen years service). Equally, John Coterel served as Desmond's seneschal of the liberty, as an auditor, and probably as seneschal of the household or lordship as well. He was most likely serving in the earl's administration long before his appearance as the first seneschal of the liberty in 1329 and probably served continuously until 1345 when he was executed in the earl's service for holding Castleisland against the justiciar. Another point which becomes clear when studying the administration of the Desmond lordship is that although this administrative system was designed to be able to act in the lord's absence,²⁴³ the earls of Desmond rarely absented themselves and seem to have taken a consistent and active interest in the administration of their lordship. This system could not replace the lord; from him, it still required a decision at every turn.²⁴⁴

part iii: exploitation of the lordship

The administrative structure of the lordship served to ensure the rights of the lord both throughout his lordship and beyond it, but its main purpose was to manage, and perhaps maximise, the economic potential of the lordship. This involved more than just tilling the soil and animal husbandry; there was also a need for towns and markets to facilitate other industries and trade as well as to allow the exchange or sale of surplus goods.

²³⁹ *COD*, ii, pp. 98-9, no. 126; Empey, 'The Butler Lordship in Ireland', pp. 456-7.

²⁴⁰ *RCH*, p. 64, no. 148.

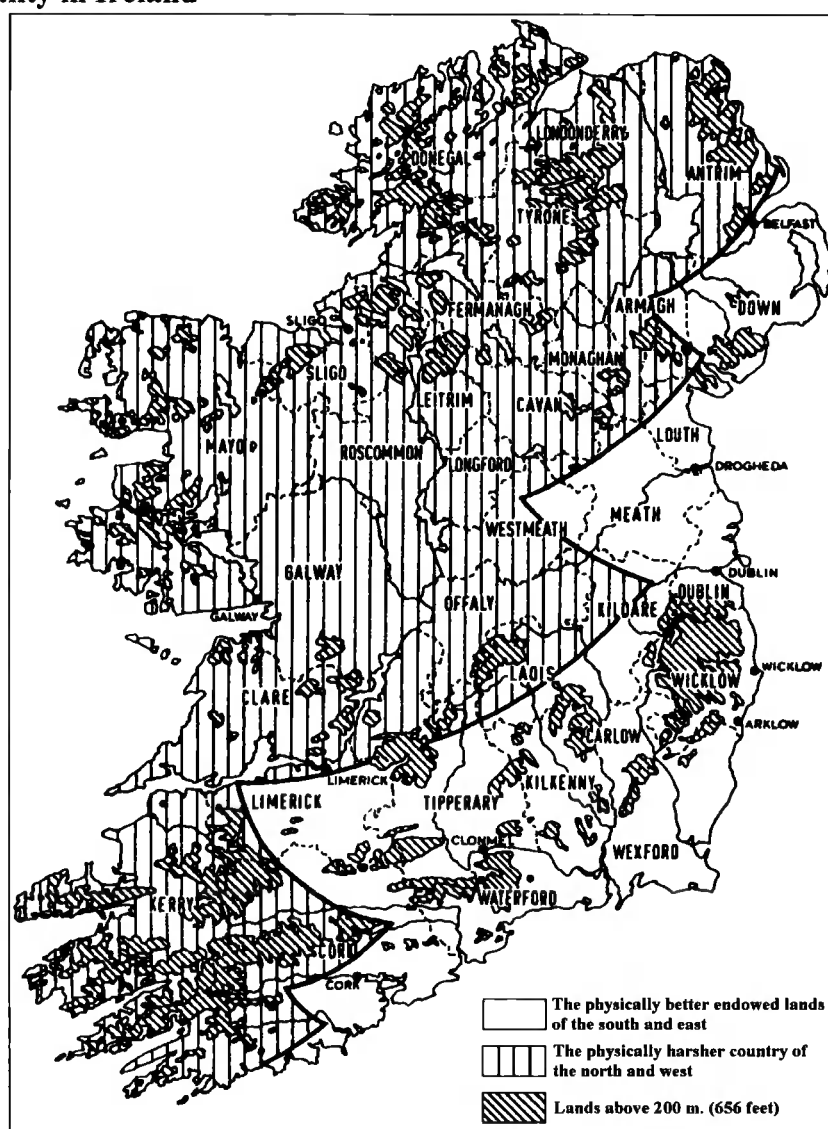
²⁴¹ Empey, 'The Butler Lordship in Ireland', p. 458.

²⁴² *NAI RC* 8/16, p. 3; *RC* 8/24, p. 187; *RC* 8/25, p. 243.

²⁴³ Given-Wilson, *The English Nobility*, p. 111.

The nature of the landscape and the quality of the soil were two major factors in determining how the land was utilised. In general terms, the landscape of south-western Ireland is rocky and mountainous but there are stretches of lowland throughout, including the western end of the fertile plains now known as the Golden Vale. But the modern quality of the soil is no guarantee of its medieval value: 700 years of continuous use, and the inherent alteration of the soil quality caused by this use, makes it impossible to assume that the modern soil quality is the same as it was in the fourteenth century.²⁴⁵

'Land Quality in Ireland'²⁴⁶



²⁴⁴ 'But at every turn a decision...': McFarlane, *The Nobility of Later Medieval England*, pp. 47, 49-51.

²⁴⁵ T.B. Barry, 'The Shifting frontier: Medieval Moated Sites in Counties Cork and Limerick', Aberg and Brown (eds) *Medieval Moated Sites in North-West Europe*, B.A.R. International Series, 121 (1981) p. 75.

²⁴⁶ Map by A.R. Orme, reprinted by H.B. Clarke (H.B. Clarke, 'Decolonization and the dynamics of urban decline in Ireland, 1300-1550', Slater (ed.) *Towns in Decline, AD 100-1600* (Aldershot, 2000) p. 158.

The Desmond lands in Waterford along with the first earl's acquisitions in Kilsheelan, Clonmel and Kilfeakle Co. Tipperary would have been the most productive and valuable of their land holdings. The area directly north of Dungarvan is mountainous and less suited to farming, and south-western Waterford - the area of the cantred of Owath - was better suited to animal husbandry (that is what predominates there in the modern era) but eastern Waterford and Kilfeakle, Kilsheelan and Clonmel were all prime agricultural land. Desmond's lands in Limerick, at the very western end of the modern Golden Vale, would also have been fertile farmland but they fade into the rough highlands at the western end of that county. In the modern era, these lands are predominantly pasture but were heavily tilled in the past though some areas were not very well suited to arable farming due to a very thin layer of topsoil. The Desmond lands in Cork were, again, on the western edges of the lowland area there but still would have been good land for arable farming though they are largely used for pasture in the modern era. On the other hand, much of County Kerry is mountainous and ill-suited for arable farming. The Desmond holdings around Tralee and Castleisland represent the southern end of the lowland region which stretches north to the River Shannon. This region, which would have been part of the liberty of Kerry, excepting the small area in the north which was retained by the Uí Chonchobhair Ciarraighe (O'Connors of Kerry), could have been exploited as arable demesne: though not well suited to arable farming, it could have been tilled in rotation with usage as pasture and this was certainly done in the early nineteenth century. The Dingle peninsula, the other portion of the medieval liberty, is even less suitable for arable farming and was probably used predominantly for animal husbandry throughout the thirteenth and fourteenth centuries.²⁴⁷

Despite the modern preponderance of animal husbandry in south-west Munster, there can be little doubt of the importance of arable farming there in the thirteenth century. Even the most cursory inspection of the 1298 extent of Thomas fitz Maurice's lands demonstrates the importance of arable farming on his demesne land. In Waterford

²⁴⁷ Freeman, *Ireland: A General and Regional Geography*, pp. 304-305, 311, 313, 323, 331, 340, 344, 347, 349-50, 353-4, 358, 361-2, 369-70, 379, 387; G.H. Dury, *The British Isles* (London, 1968) pp. 176-85; Barry, *Archaeology of Medieval Ireland*, p. 74.

we find at least 4340 medieval acres of arable farm land with thirty-two and a half medieval acres set aside as meadow and 132 medieval acres of pasture.²⁴⁸ In Limerick, where the Desmond Geraldines reserved over 2600 medieval acres in demesne,²⁴⁹ we find roughly 2500 medieval acres set aside for arable demesne but less than 100 medieval acres of meadow²⁵⁰ and only £1 worth of pasture.²⁵¹ In Kerry, we find roughly 250 medieval acres set aside for arable demesne alongside seven medieval acres of meadow and sixteen medieval acres of pasture (this figure excludes Killorglin, the extent of which is defaced). The figures for Cork are less easily broken down but indicate a similar trend to that in Kerry (again, this is excluding Corcaley which could not be extended in 1298). Waterford, on the other hand, also foreshadows the events of the next century: one carucate (roughly 120 acres) of formerly arable land was used for pasture because no one would rent it for tillage.²⁵² These low figures for pasture would seem strange, considering the importance of wool, woolfells (unshorn sheepskins) and cow hides as exports from southern ports, except for the fact that a large portion, up to a third, of the land set aside for arable farming would have been serving as pasture at any given time due to crop rotation which calls for fallow fields to be used as pasture in order to fertilize the soil. The Irish would also have been supplying some of the wool,

²⁴⁸ The medieval acre was substantially larger than the modern acre. Otway-Ruthven has argued that the medieval acres equals 2.5 statute acres (J.A. Otway-Ruthven, 'The organization of Anglo-Irish agriculture in the middle ages', *JRSAI*, 81 (1951) p. 3).

²⁴⁹ The carucate in medieval England and Ireland was not a set amount of land and estimates of its equivalent in medieval acres range from 80 to 160 depending on location. Empey arrived at 120 acres as a useful number for comparisons in Munster (Empey, 'Conquest and Settlement', p. 20 [6 ½ carucates in Danesfort, Co. Kilkenny is rendered as 780 acres]; Empey, 'The Butler Lordship in Ireland', p. 25). This figure is confirmed in the 1298 extents by the value of Moylachethy/Moynlacchy Co. Waterford where one carucate is equal to 120 acres. [1 carucate and 5 score and 11 acres of arable land in demesne at Moynlacchy were extended at 6d per acre. If one subtracts the values of the other lands from the total figure given in the document, this land is shown to have a value of 115s 6d which equals 231 acres at 6d per acre. Therefore the carucate is equal to 120 acres (*CDI*, 1293-1301, p. 261, no. 551)]. The figure 120 acres per carucate is used here and throughout this thesis for the purposes of analysis.

²⁵⁰ For the most part, meadow was land used to grow hay. After the hay was mown (June or July), the land was either used for pasture or a second crop of hay could be grown. In certain circumstances, a meadow might also be used as pasture rather than being mown for hay (K. Biddick, *The Other Economy: Pastoral Husbandry on a Medieval Estate* (London, 1989) pp. 19-22).

²⁵¹ The extent listed a pasture worth roughly £1. If we assume that the value of pasture is roughly 4d per acre, then we can estimate 60 medieval acres but that value for pasture is only loosely supported by the inquisition.

²⁵² PRO E 101/233/6; *CDI*, 1293-1301, pp. 254-63, no. 551.

woolfells and cow hides as the portion of south western Munster still held by Irish lords was generally the more mountainous terrain of the region.²⁵³

Unfortunately, there is little indication of how Thomas fitz Maurice's tenants exploited their holdings. It is probable that they would have followed a similar pattern but, since the best lands would have been reserved to the lord as his demesne,²⁵⁴ there may have been a greater amount of permanent pasture and meadow on the lands of his subtenants particularly in those areas where the land quality was low, such as Co. Kerry. This apparent predominance of arable farming is supported by the fact that during the thirteenth century the southwest produced a surplus of grains which were exported through at least three towns: Cork, Limerick, and Waterford.²⁵⁵

The fourteenth century witnessed a major economic change within the whole of England and the lordship of Ireland and saw a major shift in the way lords used their land to generate revenue: a shift towards animal husbandry and away from the predominance of arable farming.²⁵⁶ Even with the limited information concerning the economy of southwest Munster in the fourteenth century it is possible to chart this trend in the lordship of Desmond. At the turn of the century arable farming dominated land use in the lord's demesne. We see this in the amount of land reserved for tillage and the emphasis placed on mills in the 1298 inquisition.²⁵⁷

But there were also signs that arable farming was in decline. There was no lack of arable land despite the lands taken out of cultivation during the late thirteenth century by wars with the Irish. Even if one supposes that all the lands listed as waste with no reason given are due to the resurgence of the Irish, there were still large parcels of land which were left fallow because no one would rent them due to the quality of the land. In Dungarvan over twenty-five carucates of arable land were waste because 'the land is poor and no tenants would hold it' and another carucate of poor arable land was rented

²⁵³ O'Neill, *Merchants and Mariners*, p. 80.

²⁵⁴ Empey, 'Conquest and settlement', p. 19.

²⁵⁵ 38th Rep. DKL, pp. 50, 56; O'Neill, *Merchants and Mariners*, pp. 26-7; M.D. O'Sullivan, *Italian Merchant Bankers in Ireland in the Thirteenth Century* (Dublin, 1962) p. 115.

²⁵⁶ O'Neill, *Merchants and Mariners*, p. 20; O'Connor, *The Archaeology of... Settlement*, pp. 48-9; O'Brien, 'Politics, Economy and Society', p. 124; F.H.A. Aalen, *Man and the Landscape in Ireland* (London, 1978) p. 133; Kershaw, 'The great famine and agrarian crisis in England, 1315-1322', *Past and Present*, 59 (1973) pp. 32-4.

out as pasture. Another probable example is the 160 acres of land in Mallow, Co. Cork which were extended at 2 pence an acre because 'it is so poor and waste that no-one will rent it'. In Castleisland, Co. Kerry one carucate and nine acres stood empty because of the poor quality of the soil. There is, on the other hand, only one instance of pasture lying empty but this lacks an explanation of why no one will rent it.²⁵⁸

It is again unfortunate that no inquisitions survive for the first three earls of Desmond.²⁵⁹ Later inquisitions *post mortem* might have given us a better picture of the rate at which the trend away from arable farming and towards animal husbandry proceeded, but other factors allow us to make reasonable suppositions. Two major factors led to this decline: a decrease in population and an increase in warfare. The increase in warfare both between the Anglo-Irish and Irish and among the Anglo-Irish made animal husbandry more attractive because cattle could be relocated out of the path of violence, whereas a crop would be destroyed. Cattle were also less affected by weather and may have become a more attractive option in the face of the climatic shift of the early fourteenth century.²⁶⁰ In part, this change was aided by a population decrease which meant less labour was available to work the land and more land was available for pasture. Three factors led to the population decrease. The first was the famines of the fourteenth century, starting with the famine of 1308-10 and, more importantly, the Europe-wide 1315-17 famine which coincided with, and was exacerbated by, the Bruce invasion.²⁶¹ The second factor was the two major plagues of the fourteenth century in 1348-9 and 1361 as well as the 1363 outbreak in the southwest

²⁵⁷ PRO E 101/233/6; *CDI, 1293-1301*, pp. 254-63, no. 551; Hoare, 'Desmond', pp. 47-8, 70.

²⁵⁸ PRO E 101/233/6; *CDI, 1293-1301*, pp. 254-63, no. 551.

²⁵⁹ The next surviving inquisition is not until 1420 and it gives little information regarding the lands let alone their use (NLI D 1571; *COD*, iii, pp. 30-7, no. 45).

²⁶⁰ O'Neill, *Merchants and Mariners*, p. 20; K.W. Nicholls, 'Gaelic Society and Economy in the High Middle Ages', *NHI*, ii, pp. 410-11; Hoare, 'Desmond', p. 71; M.C. Lyons, 'Weather, famine, pestilence and plague in Ireland, 900-1500', Crawford (ed.) *Famine: the Irish Experience, 900-1900* (Edinburgh, 1989) p. 37.

²⁶¹ O'Neill, *Merchants and Mariners*, p. 24; Nicholls, 'Gaelic Society and Economy', p. 410; Lyons, 'Weather', pp. 42-3, 61-67; E.M. Crawford, 'William Wilde's table of Irish Famines, 900-1850', Crawford (ed.) *Famine: the Irish Experience, 900-1900* (Edinburgh, 1989) pp. 5-6; A.M. Lucas, 'The Great European Famine of 1315, 1316, and 1317', *Speculum*, 5 (1930) pp. 345-357, 361-77; J.C. Russell, 'Effects of pestilence and plague, 1315-1385', *Comparative Studies in Society and History*, 8 (1966) pp. 464, 466-7; Kershaw, 'The great famine', pp. 6-14.

and the lesser outbreaks throughout the rest of the fourteenth century.²⁶² The limited information concerning population figures in Ireland makes it difficult to state the exact effects in the southwest but some generalisations are possible. Kelly has argued that the plague probably arrived via southern ports as well as the eastern ports which Friar Clyn cites.²⁶³ Its presence in Cork, Youghal, Clonmel, and Limerick is documented and undoubtedly Dingle, another prominent port, should be added to the list as well.²⁶⁴ The occasionally sporadic nature of the plague makes any mortality percentages suspect,²⁶⁵ but Kelly argues for a 35% to 45% mortality rate.²⁶⁶ The third factor which contributed to the population decrease was emigration back to England as landholders there attempted to attract a labour force in the wake of the Black Death. There is also the possibility that some of the land which dropped out of cultivation was marginal land which was capable of supporting arable farming at the time of settlement but was exhausted by this time.²⁶⁷ Owing to the limitations of the source material this would be difficult to prove, but the lands mentioned above which could no longer be leased for arable farming could be examples.

The situation was then aggravated by the repeated famines of the late fourteenth century,²⁶⁸ when the decline in cultivated acreage combined with poor weather resulted in severe grain shortages.²⁶⁹ In 1393, Cork and Youghal's hinterlands were no longer able to supply the towns with enough grain. In response to this, John of Desmond, the earl's son, was able to gain the right to form convoys to transport grain from Limerick to these towns.²⁷⁰ But sixty years later, Limerick was importing grain as well.²⁷¹

²⁶² Lyons, 'Weather', pp. 31, 37, 44-6, 66-7; *Papal Registers: Petitions*, i, p. 461; H.B. Clarke, 'Decolonization and the dynamics of urban decline in Ireland, 1300-1550', Slater (ed.) *Towns in Decline, AD 100-1600* (Aldershot, 2000) p. 171.

²⁶³ M. Kelly, *A History of the Black Death in Ireland* (Stroud, 2001) pp. 22, 25.

²⁶⁴ Kelly, *Black Death*, p. 35.

²⁶⁵ The plague did not strike the whole of a given region with equal ferocity. For example: in two English villages of roughly equal size in the same area in 1349, one had 747 deaths, the other only five (Kelly, *Black Death*, p. 79).

²⁶⁶ Kelly, *Black Death*, pp. 41, 78-80; O'Brien, 'Politics, Economy and Society', p. 124. Down argues for a lower rate of mortality: 25-35% (Down, 'Colonial society', pp. 449-50).

²⁶⁷ For occurrences of this in England, see M. Mate, 'Medieval agrarian practices: the determining factor?', *The Agricultural History Review*, 33 (1985) p. 30; Kershaw, 'The great famine', pp. 32-4.

²⁶⁸ Lyons, 'Weather', pp. 61-7.

²⁶⁹ O'Neill, *Merchants and Mariners*, p. 24; Nicholls, 'Gaelic Society and Economy', p. 410.

²⁷⁰ *Proc. king's council, Ire., 1392-3*, pp. 120-2; O'Neill, *Merchants and Mariners*, pp. 26-7.

²⁷¹ O'Neill, *Merchants and Mariners*, p. 29; O'Brien, 'Politics, Economy and Society', pp. 126-7.

The 1298 extents also hint at additional diversity in the cultivation of the lordship. The manor of Glenogra was said to have six pools worth nearly eight shillings.²⁷² These may have been fish ponds, which seem to have been very rare in medieval Ireland,²⁷³ but it could also refer to natural ponds. There were also rabbit warrens in Shanid and Dungarvan.²⁷⁴ The rabbits raised in the warrens were a source of both food and pelts.²⁷⁵ There is also a reminder here of the more mundane problems of lordship often overlooked in Ireland: at the time of the inquisition the warren was valueless because foxes had destroyed the rabbit population.²⁷⁶ Thomas fitz Maurice and his heirs also held turbaries, i.e. turf-pits, at Glenogra and Dungarvan.²⁷⁷ Turf was a major source of fuel in Ireland throughout the middle ages because of its wide availability throughout Ireland but also because turf fires, when protected from the wind, were less prone to throw sparks than wood fires.²⁷⁸ Though only minor sources of income, these pools, warrens, and turbaries show an interest in exploiting all available opportunities.

As arable farming declined and animal husbandry increased, Irish merchant trade changed as well. This was a matter of some importance to the earls of Desmond, who held the port towns of Dingle, Tralee and Dungarvan directly, and also exercised influence in other important ports in Munster such as Cork, Limerick, Kinsalebeg, Youghal and Inchiquin. Grain export decreased throughout Ireland and came to a halt in the southwest while the export of hides, wool and woolfells came to be the dominant export.²⁷⁹ Even before the decline of arable farming in southwest Munster, animal husbandry was already economically important. Portions of the western coast of Ireland, such as the Dingle peninsula, were not very well suited for arable farming, and animal

²⁷² CDI, 1293-1301, p. 254, no. 551.

²⁷³ O'Connor, *The Archaeology of... Settlement*, p. 34.

²⁷⁴ CDI, 1293-1301, pp. 258, 263, no. 551.

²⁷⁵ O'Connor, *The Archaeology of... Settlement*, pp. 34-5.

²⁷⁶ CDI, 1293-1301, p. 258, no. 551.

²⁷⁷ CDI, 1293-1301, pp. 254, 263, no. 551.

²⁷⁸ Aalen, Whelan and Stout (eds) *Atlas of the Irish Rural Landscape* (Cork, 1997) p. 111.

²⁷⁹ W.R. Childs and T. O'Neill, 'Overseas trade', *NHI*, ii, pp. 509-10, 515.

husbandry was prevalent there in the thirteenth century as well.²⁸⁰ For instance, the port of Dingle, Co. Kerry exported 72,105 fleeces between 1277 and 1302.²⁸¹

Sheepskins, wool, woolfells and cow hides as well as Irish mantels, an Irish-made wool cloak popular at the time, became the major Irish exports during the fourteenth century. For the most part this trade was with the continent because Irish wool was of a lower quality than English wool so there was little demand for it in England,²⁸² though cowhides and some wool were traded in England as well. The main port towns for these exports were Waterford, Dublin and Drogheda, but Cork, Limerick, Dingle and Youghal were also important.²⁸³ There was high enough demand for wool that when merchants could not purchase enough in port towns, they would transport it from farther inland themselves; around the end of the thirteenth century an Italian merchant was purchasing wool in Cashel.²⁸⁴

The export of wool and woolfells was also taxed by the royal government at fixed locations called staples located initially at Cork, Dublin and Drogheda in 1326, but also in Waterford by 1355 and Galway by 1375. This meant foreign merchants could only purchase wool in staple ports and native merchants from non-staple ports had to stop at a staple prior to setting out for the continent.²⁸⁵ In practice, this was difficult to enforce and it is unlikely that it affected the wool and woolfell trade in Desmond's port of Dingle.²⁸⁶ Magnates also had some immunity to these customs; they were able to transport hides between ports without paying customs.²⁸⁷

Fish, particularly herring, would also become a major export item but not until the last quarter of the fourteenth century. The export of fish to England increased

²⁸⁰ Barry, *Archaeology of Medieval Ireland*, p. 74.

²⁸¹ A.F. O'Brien, 'The Royal Boroughs, the Seaport Towns, and Royal Revenue in Medieval Ireland', *JRSAI*, 118 (1988) p. 14.

²⁸² O'Neill, *Merchants and Mariners*, pp. 59-60.

²⁸³ O'Neill, *Merchants and Mariners*, pp. 61, 77-9; O'Brien, 'The Royal Boroughs', p. 14; W.R. Childs, 'Ireland's Trade with England in the Later Middle Ages', *Irish Economic and Social History*, 9 (1982) p. 26.

²⁸⁴ T.J. Westropp, 'Early Italian maps of Ireland from 1300-1600', *PRIA*, C, 30 (1913) p. 380; Hoare, 'Desmond', p. 72.

²⁸⁵ O'Neill, *Merchants and Mariners*, pp. 62-3.

²⁸⁶ Graham, *Medieval Irish Settlement*, p. 28.

²⁸⁷ O'Neill, *Merchants and Mariners*, p. 80; RIA 12/D/12, pp. 103-4. The calendar says only that 'every magnate may send hides from port to port for sale or exchange *a tempore longinquo usitatium* with[ou]t

rapidly from the start of the fifteenth century but O'Neill argues that the trade may have begun by the 1370s and Childs's evidence that the trade was already substantial in 1403 adds support to this.²⁸⁸ Desmond's town of Dingle became prominent in the fish trade.²⁸⁹

There were also a number of imports coming through these ports; building stone was imported through Cork, honey and other spices were imported through Limerick, English cloth was imported through Cork and other ports, but wine was the major import. Cargos of wool and woolfells were exchanged for cargos of wine and vice versa. There was no grape cultivation or wine production in Ireland but there was considerable demand, both for ecclesiastical usage and more mundane consumption.²⁹⁰

Many of these luxury goods were imported for nobles and religious houses.

O'Neill cites the example of Joan Butler:

Joan de Botiller (Butler) ran up considerable debts with the Ricardi [*sic*] in 1287, including expenditure on furs and cloth, typical of a rich man's wife in any age. Among the lesser items that she bought were spices (8s 10d) and figs and raisins (23s 4d).²⁹¹

Unfortunately no similar anecdotes survive for the earls of Desmond but undoubtedly similar expenditures were made. There is, on the other hand, one possible indication of the first earl of Desmond taking a personal interest in trade. He requested, and on 4 January 1338 was granted, protection for a ship called 'la Rodecogge' of Limerick which he was sending to Gascony.²⁹² Unfortunately there are no further details about this vessel and its cargo.

The crown placed customs on a number of these goods, including the wool staples mentioned above and the prise of wines which gave the earls of Ormond their surname, Butler or 'le Botiller'. Not surprisingly, avoiding these customs became a

(paying?) custom'. Presumably the meaning here is that magnates could transport wool between ports in Ireland without paying the custom.

²⁸⁸ O'Neill, *Merchants and Mariners*, p. 80; W.R. Childs, 'Irish merchants and seamen in late medieval England', *IHS*, 32 (May, 2000) pp. 22-3; Childs and O'Neill, 'Overseas trade', *NHI*, ii, pp. 503-6.

²⁸⁹ Down, 'Colonial society', pp. 466-7.

²⁹⁰ O'Neill, *Merchants and Mariners*, pp. 45-6, 71, 78, 92, 96; Childs and O'Neill, 'Overseas trade', pp. 507-8.

²⁹¹ O'Neill, *Merchants and Mariners*, p. 96.

²⁹² *CPR*, 1338-40, p. 569.

common pursuit.²⁹³ During the late 1370s, the city of Cork requested a grant of the prise of wines in the ports of Youghal and Kinsalebeg because wine merchants were using these ports to the detriment of Cork.²⁹⁴ And in 1430, the crown claimed vessels were sailing 'by night and by day out of Ireland to England without payment of the customs due' at a cost of up to 300 marks a year in unpaid customs.²⁹⁵ The Desmond ports of Dingle and Tralee have been suggested as prime suspects for this sort of customs evasion.²⁹⁶

It was not only the king who stood to gain from these port towns or even the royal boroughs. Empey stressed that the town was not only a means to trade but a magnate's means to control that trade.²⁹⁷ In the case of a town under his control, a magnate was not only able to sell the produce of his demesne estates but he also collected the profits of its customs, revenues, market tolls, and rents as well as the perquisites of the town's court.²⁹⁸ In theory, he held far less influence in a royal borough, but in practice, a town was reliant on its hinterland both for products to export and food to sustain the city as well as additional protection from the Irish. Throughout the fourteenth century, magnate influence over the royal boroughs in their lordships increased markedly and in the following century these towns came increasingly under the power of the local magnate.²⁹⁹ Dingle, Tralee, Limerick and Dungarvan and occasionally Cork, Kinsalebeg, Youghal and Inchiquin all lay within Desmond's lordship or sphere of influence and even in the fourteenth century the earls of Desmond had, at least at times, a considerable influence in these towns.³⁰⁰ John fitz Thomas had

²⁹³ Hoare, 'Desmond', pp. 54-5.

²⁹⁴ SC 8/103/5122; *AH* 34 (1987) p. 35.

²⁹⁵ O'Brien, 'The Royal Boroughs', p. 23.

²⁹⁶ Graham, *Medieval Irish Settlement*, p. 28.

²⁹⁷ Empey, 'Conquest and Settlement', p. 10; O'Brien, 'The Royal Boroughs', p. 13; A.F. O'Brien, 'Medieval Youghal: The development of an Irish seaport trading town, c.1200 to c.1500', *Peritia*, 5 (1986) p. 367.

²⁹⁸ O'Brien, 'The Royal Boroughs', p. 14; B.J. Graham, 'The high Middle Ages: c.1100 to c.1350', Graham and Proudfoot (eds) *An Historical Geography of Ireland* (London, 1993) pp. 80-1; O'Connor, *The Archaeology of... Settlement*, p. 42; B.J. Graham, 'The Definition and Classification of Medieval Irish Towns', *Irish Geography*, 21 (1988) pp. 21-2.

²⁹⁹ O'Brien, 'The Royal Boroughs', pp. 23-4; Hoare, 'Desmond', p. 52.

³⁰⁰ See Chap. 1, pp. 36-44, 72, 57-7; O'Brien, 'Medieval Youghal', pp. 356-61; O'Brien, 'Politics, Economy and Society', pp. 107-14; A.F. O'Brien, 'The development and evolution of the medieval borough and port of Dungarvan, Co. Waterford, c.1200-1500', *JCHAS*, 92 (1987) pp. 86-7; O'Brien, 'The

also held some rights in Waterford at the time of his death in 1261 including the prisage of wines,³⁰¹ but there is no indication that his descendants held these rights. Like Kilmeadan, these rights were probably lost during Thomas fitz Maurice's minority.

There were also other ways in which magnates, or at least their men, were enriched by the merchant trade: the *Trinity* out of Bristol was robbed in Dingle in 1401 but 'the owner could get no redress from the earl of Desmond, perhaps because the White Knight, the sheriff of Desmond and other notables were involved'.³⁰²

Between 1300 and 1400 the methods used by the senior line of the Desmond Geraldines to draw profit from their lands changed dramatically. The lordship moved away from arable farming towards animal husbandry and, therefore, away from the export of grain and towards the export of wool, sheepskins and cow hides.³⁰³ By the end of this period they had also begun to take advantage of the excellent fishing grounds off the western coast of Ireland and fish became an increasingly important export. These magnates were also able to extend their power and influence into the towns and centres of trade within their lordship, much to their profit. Initially, the Anglo-Normans had attempted to force the south west into the production model then common in England with heavy emphasis on arable demesne but during the century under discussion in this thesis the economy of the lordship shifted away from that model and towards a more productive model which reflected the limitations and strengths of the local landscape and the local realities. 'The economy had adapted itself [almost perfectly] to the almost continuous warfare and political unrest that characterised later medieval Ireland.'³⁰⁴

settlement of Imokilly and the formation of the manor of Inchiquin, Co. Cork', *JCHAS*, 87 (1982) pp. 21-3.

³⁰¹ *CDI*, 1252-84, p. 427, no. 1912; *CIPM*, ii, p. 253, no. 437; PRO C 133/31/1.

³⁰² O'Neill, *Merchants and Mariners*, p. 128.

³⁰³ This was a trend throughout western Europe at the time, but rarely to the extent it occurred in the southwest of Ireland.

³⁰⁴ O'Neill, *Merchants and Mariners*, p. 130.

Chapter 4

The Irish and the Desmond Geraldines

The aim of this chapter is to examine the relationships between the Desmond Geraldines and several of the major Irish dynasties of southwest Munster during the fourteenth century with the intention of establishing the nature and outcome of this contact. In order to place these associations into a wider context, it will first be necessary to look at the general relationship between Anglo-Irish magnates and Irish chieftains in the fourteenth century and to explore some of the issues which worked on those relationships.

Defining the relationship between the Anglo-Irish and the Irish in Ireland in the fourteenth century is a difficult task for a number of reasons. First, we do not have definite figures for the population of either group: population figures for Ireland in this period are derived from the estimated population figures for England. Second, it is not even accurate to discuss the cultural spectrum in terms of just 'English' and 'Irish'. Even if we leave aside issues of acculturation, we are still left with significant populations of English, Irish, Norse, Welsh, Flemish, Scottish, and French descent, and mixtures thereof, as well as some alien individuals and merchants from other parts of Europe such as the Italian merchant bankers. It can also be difficult, if not impossible, to determine which group someone is descended from. Even at the time there was considerable difficulty over mistaken origins (usually Ostmen or Englishmen mistaken for Irish) added to by deceit on the part of individuals seeking to pass as members of another group.¹ Third, we receive only small glimpses of the interaction between the Anglo-Irish and the Irish through brief annal entries and statutes such as the 1366 Statutes of Kilkenny which outlaw some forms of interaction. While these sources provide useful information, they must be treated with care. The annals primarily report conflicts between the Irish and Anglo-Irish and rarely note other interaction. The

statutes, on the other hand, must be approached with caution because it is often difficult to gauge the actual effect and application of these laws in part because few relevant court cases have survived,² and the outlawing of a form of behaviour does not give us any idea how prevalent it actually was. Fourth, the Irish were outside English law but the marcher law which developed in the border zones was extralegal and therefore has left only impressions on the written records rather than surviving in a codified manner.

'The legal position of the Irish has in the past dominated any discussion of the Irish'.³ This is certainly still true in any discussion of the relationships among the enfranchised Anglo-Irish, the semi-enfranchised Ostmen, and the predominantly unenfranchised Irish. In part this is because this issue is important to understanding the relationship between the Irish and the Anglo-Irish: a number of difficulties stood in the way of 'normalised' relations between the Anglo-Irish and Irish but this was perhaps the most problematic and influential. But, in part, it has also dominated the discussion because there is a body of evidence to work from and few definitive answers have been reached.

Common law was never effectively extended to the whole of the Irish but the native law, called Brehon law by the Anglo-Irish,⁴ was wholly condemned. Edward I's views on the laws of Ireland were stated in 1277: 'the laws the Irish use are detestable to God and so contrary to all law that they ought not to be deemed law'.⁵ The contrast between this view and the policy adopted in Wales is significant. In Wales, English common law was also extended to the Welsh and in the 1284 Statute of Wales the Welsh laws concerning land were given formal backing and only that portion of law

¹ S. Duffy, 'The problem of degeneracy', Lydon (ed.) *Law and Disorder*, p. 97; K. Simms, 'Gaelic warfare in the middle ages', Bartlett and Jeffery (eds) *A Military History of Ireland* (Cambridge, 1996) p. 101.

² C. Parker, 'The Politics and Society of County Waterford in the Thirteenth and Fourteenth Centuries', Ph. D. thesis (TCD, 1992) pp. 177-8; R.F. Frame, 'The immediate effect and interpretation of the 1331 ordinance *una et eadem lex*: some new evidence', *The Irish Jurist*, 7 (1972) pp. 109-14; G.J. Hand, 'English law in Ireland, 1172-1351', *NILQ*, 23 (1972) pp. 393-422.

³ Parker, 'Politics and Society', p. 165.

⁴ Brehon comes from *breitheamh*, the Irish word for a judge. The term itself does not indicate any particular law code (K. Simms, 'The brehons of later medieval Ireland', Hogan and Osborough (eds) *Brehons, Serjeants, and Attorneys* (Dublin, 1990) p. 51).

⁵ E. Curtis and R.B. McDowell (eds) *Irish Historical Documents* (London, 1968) pp. 31-2; R.F. Frame, *The Political Development of the British Isles* (Oxford, 1995) p. 142.

dealing with criminal activity was rejected.⁶ Despite the strong similarities between Irish and Welsh law it was only in Ireland that the local law was rejected outright. This sharp contrast in policy was due to timing: Ireland was invaded while Henry II was attempting to standardise English law and he clearly wished to prevent Ireland developing the semi-autonomy and local customs of the Welsh marches.⁷ This view towards law was also shown by Edward I during his short-lived dominance in Scotland. Following his successes in 1303-04, Edward I formally 'accepted the customs of the kingdom (described as "the laws of king David")' but not the 'system of feud and compensation'.⁸ In the case of Scotland, much of the law being accepted was drawn from the early Anglo-Norman model; the portion which was rejected was based on the Celtic model.

Because of the decision neither to enfranchise the free Irish nor to acknowledge Irish law, their place in the Anglo-Irish legal system was ambiguous.⁹ The status of the free Irish was very similar to that of an alien under common law: they were unable to initiate legal actions but could defend against legal action; common law did not safeguard their ownership of land or inheritance rights nor did an Irish widow have the right to dower; they could not act as jurors; and they were not even protected by common law - the murder of an Irishman was not a felony and damage to a betagh was treated as damage to a lord's property.¹⁰ This final point was even reflected in marcher law. When the earl of Ormond set out the system of compensation to be used in disputes between him and the Uí Cheinnéidigh (O'Kennedys) it was stated that any damage done to Ormond's betaghs was to be treated as damage to the earl.¹¹ But this exclusion was not universal. The 'five bloods' (Ó Néill, Ó Maíl Shechnaill, Ó Conchobuir, Ó Briain,

⁶ Frame, *Political Development*, p. 142.

⁷ G.J. Hand, *English Law in Ireland, 1290-1324* (Cambridge, 1967) pp. 189-98; R.R. Davies, *Domination and Conquest* (Cambridge, 1990) pp. 122-3.

⁸ Frame, *Political Development*, p. 142.

⁹ We are concerned here only with the free Irish. The status of the unfree Irish - the betaghs - was basically that of a villein in England (G. Mac Niocaill, 'The Origins of the Betagh', *The Irish Jurist*, 1 (1966) pp. 292-8). See Chap. 3, p. 163.

¹⁰ Hand, 'English law in Ireland, 1172-1351', pp. 405-7; B. Murphy, 'The status of the native Irish after 1331', *The Irish Jurist*, 2 (1967) pp. 116-18; Hand, *English Law in Ireland, 1290-1324*, pp. 198-210; G. Kenny 'The power of dower: the importance of dower in the lives of medieval women in Ireland', Meek and Lawless (eds) *Studies on Medieval and Early Modern Women: Pawns or Players* (Dublin, 2003) pp. 65-6; B. Smith, 'The English in Uriel, 1170-1330', Ph.D. thesis (TCD, 1990) p. 110.

and Mac Murchada) were said to have been enfranchised early on in the history of the lordship of Ireland (though this right seems to have gone unused until much later)¹² and other individuals had purchased or obtained grants of common law at various times throughout the medieval period.¹³

Additional statutes were passed which should have affected this status but seem to have done little. The most important of these was an ordinance transmitted to Ireland in 1331 which stated: '...that one and the same law be made as well for the Irish as the English, except the service of Betaghs in the power of their lords, in the same manner as is used in England concerning villeins'.¹⁴ This ordinance was to refer only to those Irish living within the English lordship and not those on and outside its borders. It was also not taken to be retroactive in reference to land holding: only land tenure begun after 1331 was safeguarded.¹⁵ It is also clear that this legislation was soon being ignored by the English judicial system in Ireland.¹⁶

The legal disability of the Irish placed magnates in an awkward position. Some mechanism for the legal protection of the Irish within their lordship and on their borders was necessary to maintain order, but any punishment of the Anglo-Irish for acts against the Irish was often extralegal and therefore the magnates were open to charges of legal abuse. For instance, when William fitz Nicholas of the fitz Maurices of Kerry and his men killed Diarmait Óc Mac Carthaigh, king of Desmond, Maurice fitz Thomas executed William's men and put out William's eyes.¹⁷ A Limerick jury several years later put this forward as an undeserved and unlawful punishment because fitz Nicholas was 'in the king's peace' and Mac Carthaigh was 'a felon of the lord king'.¹⁸ Though in the eyes of common law it was no felony to kill an Irishman, Maurice fitz Thomas could hardly let this violent act against his 'vassal' go unpunished.

¹¹ *COD*, i, p. 287, no. 682.

¹² Hand, *English Law in Ireland 1290-1324*, pp. 205-6.

¹³ Murphy, 'The status of the native Irish after 1331', pp. 119-20, 122-4, 127.

¹⁴ *Early Statutes*, pp. 324-5.

¹⁵ Frame, 'The 1331 ordinance', pp. 111-12.

¹⁶ Murphy 'The status of the native Irish after 1331', pp. 116-28.

¹⁷ K.W. Nicholls, 'The fitz Maurices of Kerry', *JKAHS*, 3 (1970) p. 33; *Clyn*, p. 17; *Leg. Proc.*, p. 9.

¹⁸ *Leg. Proc.*, p. 9.

Those Irish living within the English lordship sought to find ways of improving their condition. There were a number of routes followed by individual Irish to negate or mitigate this legal inconvenience/disability. The Irish could gain legal standing through the purchase of English law (a costly procedure as it required a petition to the king's chancery in England as well as a fee); through a career in the church (Irish church officials had some legal rights though exactly how much is a matter of debate); through citizenship in a town (but there was some resistance to Irish burgesses); or through deceit - they could adopt an English name and pass themselves off as English.¹⁹ As Parker notes, this required a level of 'cunning and linguistic expertise that was probably not possessed by the rank and file of the Irish...';²⁰ but the linguistic expertise necessary to carry the charade may have decreased markedly by the end of the fourteenth century as the Anglo-Irish adopted the Irish vernacular. The other option open to the Irish was to attempt to ease the problems created by their legal status through the protection of an Anglo-Irish baron or magnate. Under such protection, any attack on the Irishman would be treated as an attack on his protector.²¹ Gerald fitz Maurice, third earl of Desmond, himself comments on his grants of protection to some of the Irish of Munster.²² It has also been suggested that there was, at times, an acceptance by the local population of Irish despite their technical lack of law.²³ This could explain the presence of Irish mainpernors which Parker takes as proof of the acquisition of, or at least acceptance into, English law.²⁴ But the presence of Irish individuals acting as mainpernors could be another indication of their peculiar legal status. They need not have been enfranchised to be allowed to stand as mainpernors.²⁵

¹⁹ Hand, *English Law in Ireland 1290-1324*, p. 192; A.J. Otway-Ruthven, 'The native Irish and English law in medieval Ireland', *IHS*, 7 (1950-1) p. 14; H.G. Richardson, 'English institutions in medieval Ireland', *IHS*, 1 (1938-9) p. 390; B. Smith, 'The English in Uriel, 1170-1330', Ph.D. thesis (TCD, 1990) pp. 110-11; Parker, 'Politics and Society', pp. 165-72.

²⁰ Parker, 'Politics and Society', p. 171.

²¹ Nicholls, *Gaelic Ireland*, pp. 41-2 [2nd pp. 46-9]; Hand, 'Status of the Native Irish', p. 102; Parker, 'Politics and Society', p. 171.

²² G. Mac Niocaill, 'Duanaire Ghearáid Iarla', *SH*, 3 (1963) poem 5, pp. 17-19.

²³ Smith, 'The English in Uriel', pp. 115-6.

²⁴ Parker, 'Politics and Society', pp. 165-6.

²⁵ It is unclear if aliens could act as mainpernors in England. If they could, then this is just further evidence for the Irish being treated as aliens but if not, then this could be another facet of the Irish legal status. An Anglo-Irish court might accept anyone with distrainable lands or goods as a mainpernor.

Although this legal question affected the relationships which formed between the Irish and the Anglo-Irish, most of the interaction between these two groups had little to do with law courts and legal issues. In the border regions and during periods of Anglo-Irish weakness or Irish strength, the relationship often consisted of raids and counter-raids of the kind which had long been a facet of Irish politics,²⁶ and which will be discussed below. But in periods of Anglo-Irish potency or Irish disadvantage, the same relationships were more likely to be governed by agreements which, even if the terms were of Irish origins, were very much an English concept: the agreement was recorded on a countersealed, written document in the English fashion and expressed English concepts of lordship.

Both Westminster and Dublin looked to local magnates to control the Irish within their borders and beyond them, even to the point of allowing them to make treaties with Irish. In 1297, the Irish parliament passed a law permitting the appointment of two local lords to deal with the Irish in the absence of the justiciar but stipulating that that they must immediately inform the justiciar of such dealings.²⁷ During the fourteenth century, the justiciar and the Dublin government, though still militarily or financially involved in numerous crises, preferred to leave disturbances outside Leinster to the local magnates whenever possible. Despite efforts to regularise and regulate local dealings with the Irish, this partial delegation of the defence of the lordship to local magnates led to the development of diverse methods of dealing with the Irish. The relationship between the Irish and the Anglo-Irish of a given region was largely determined by the strength of either side at any given time. In simple terms, a strong magnate could exert a very real dominion over the Irish lordships within his borders or under his influence: collecting a 'rent,' often in kind, as well as military service or even control over succession. A weak magnate or the minority of a magnate could bring about a loss of

²⁶ K. Simms, 'Warfare in the medieval Gaelic lordships', *Irish Sword*, 12 (1975-6) pp. 98-108; Simms, 'Gaelic warfare in the middle ages', p. 107; R.F. Frame, *Ireland and Britain* (London, 1998) pp. 252-4; J.A. Watt, 'Gaelic polity and cultural identity', *NHI*, ii, p. 323; T.M. Charles-Edwards, 'Irish warfare before 1100', Bartlett and Jeffery (eds) *A Military History of Ireland* (Cambridge, 1996) pp. 26-40, particularly pp. 28, 32.

²⁷ *Early Statutes*, p. 213; S.C. Mogdan, 'Examining the Evidence: Maurice fitz Thomas and the "Legal Proceedings"', M.Phil. thesis (TCD, 1996) p. 49.

this control and influence and could result in heavy raiding or even loss of lands to the Irish. But the situation was rarely as simple as this. Numerous factors could undermine either side and lead to brief or even permanent changes in the situation.²⁸ Empey shows this spectrum in the Butler lordship in Tipperary: the north was nearly lost to the so-called 'Gaelic Resurgence' during minorities but the Irish dynasties the south of the same county had essentially ceased to exist as separate entities.²⁹

The relationship between Irish dynasties and the Anglo-Irish magnates whom the crown viewed as their overlords varied greatly. These relationships varied from an almost total lack of influence, to the transient relationship between the Uí Bhriain and the Clares (which ranged from strong to non-existent), to complete submission such as that of the southern Tipperary dynasties to the Butlers.³⁰ Surviving agreements between Irish dynasties and Anglo-Irish magnates or the crown have a number of similarities though the details vary in each case. In many ways, these documents also echo the pre-invasion client relationships which dominated Gaelic Ireland prior to and after the English invasion.³¹ One well documented relationship in Munster was the relationship between the Butler, earls of Ormond and the Uí Cheinnéidigh (O'Kennedys) and it echoes the terms of such relationships throughout the lordship. The several surviving indentures between the earl of Ormond and Ó Ceinnéidigh imposed four requirements on the Uí Cheinnéidigh: they were to pay a rent for their lands, supply military service, perform suit at the earl's court, and discipline their followers. The indentures also defined the methods for resolving disputes between the earl and his men and the Uí Cheinnéidigh: i.e. marcher law. For the most part, this involved the payment of fines and/or compensation as in Brehon law. One further important feature of these

²⁸ Davies, *Domination*, pp. 60-2; Watt, 'Gaelic polity', pp. 319-25; Frame, *Ireland and Britain*, pp. 259-72; B. Smith, 'The medieval border: Anglo-Irish and Gaelic Irish in late thirteenth and early fourteenth century Uriel', Gillespie and O'Sullivan (eds) *The Borderlands; Essays on the History of the Ulster-Leinster Border* (Belfast, 1989) p. 47; B. Smith, *Colonisation and Conquest in Medieval Ireland: The English in Louth, 1170-1330* (Cambridge, 1999) pp. 83-6, 89, 96.

²⁹ C.A. Empey, 'The Norman period, 1185-1500', *THS*, pp. 87-8.

³⁰ Empey, 'The Norman period', pp. 87-8; C.A. Empey, 'The Butler Lordship in Ireland 1185-1515', Ph.D. thesis (TCD, 1970) pp. 103-8.

³¹ K. Simms, *From Kings to Warlords* (Woodbridge, 2000) pp. 96-115; F.J. Byrne, *Irish Kings and High-Kings* (Dublin, 2001) pp. 28, 31; M. Gerriets, 'Economy and society: clientship according to the Irish laws', *CMCS*, 6 (1983) pp. 43-61; N. Patterson, 'Brehon law in late medieval Ireland: "antiquarian and

indentures was the giving of hostages.³² Mac Niocaill has gone so far as to describe these agreements as 'pure Irish law'.³³

A small number of extant indentures of this kind survive.³⁴ Though the details vary in each, there are a number of common features. The element of military service is very nearly universal in these indentures and treaties. Most agreements also require the lords to discipline their own followers and lay out the terms of the local marcher law or make reference to them. Even the 1347 submission of Ó Mórdha (O'More) of Leix to the justiciar calls on him to make amends to those parties injured in his rebellion.³⁵ Although vague, this probably indicates the payment of fines as described in the Ó Ceinnéidigh charters but in this case it is the crown accepting these terms. The inclusion of rents or at least tribute is not universal but those indentures which leave this out include a clause clarifying who, or what manor, the lands are held from, and this might be reference to a customary payment, though a rent might also have been renegotiated into additional military service.³⁶

The taking of hostages was not universal in these relationships but in some instances it may have been taken for granted because it was a common occurrence throughout the British Isles at this time: it was part of the Irish submission and clientage traditions, it was used by the crown to secure loyalty and payment of fines by Irish, Welsh, Scottish and occasionally even English vassals, and it was used by magnates in both Ireland and Wales to control their Irish and Welsh tenants and neighbours.³⁷

obsolete" or "traditional and functional"?, *CMCS*, 17 (1989) p. 46; Hand, 'English law in Ireland, 1172-1351', p. 405.

³² Empey, 'The Norman period', p. 87; *COD*, i, pp. 287-90, no. 682; *COD*, ii, pp. 21-2, no. 34; pp. 28-30, no. 46.

³³ G. Mac Niocaill, 'The contact of Irish and common law', *NILQ*, 3 (1972) p. 20.

³⁴ For examples see the following indentures and agreements: *COD*, i, pp. 287-90, no. 682; p. 298, no. 700; *COD*, ii, p. 8, no. 14; pp. 21-3, nos. 34-6; pp. 28-30, no. 46; p. 30, no. 48; p. 65, no. 74; p. 150, no. 219; pp. 245-7, no. 347; *Red Book of Kildare*, G. Mac Niocaill (ed.) (Dublin, 1964) p. 129, no. 139; p. 153, no. 166; pp. 154-7, nos. 167-70; S.H. Harbison, 'William of Windsor and the wars of Thomond', *JRSAL*, 119 (1989) pp. 109-11; Simms, *From Kings to Warlords*, p. 113; NLI GO MS 192, pp. 53-5.

³⁵ Harbison, 'William of Windsor and the wars of Thomond', pp. 109-11; NLI GO MS 192, pp. 53-5.

³⁶ See also Watt, 'Gaelic polity', pp. 326-9; Frame, *Ireland and Britain*, pp. 259-60.

³⁷ Simms, *From Kings to Warlords*, pp. 96-100, 107-8; Frame, *Ireland and Britain*, pp. 260-3; Smith, 'The medieval border', pp. 42, 46-8, 52; Smith, *Colonisation and Conquest*, pp. 85-6; Davies, *Domination*, pp. 57, 90-1; Watt, 'Gaelic polity', pp. 327-8; D.A. Binchy, *Celtic and Anglo-Saxon kingship* (Oxford, 1970) p. 21; Byrne, *Irish Kings and High-Kings*, pp. 31, 208; J.C. Holt, 'Feudal society and the family in early medieval England, iii, patronage and politics', *TRHS* (5th series) 34 (1984) pp. 13-14.

However, it seems that Ormond was slow to demand hostages in the example cited above, but our information is incomplete. In the first and second indentures there is no mention of hostages,³⁸ but in the third indenture, which followed an Ó Ceinnéidigh uprising, Ormond did require the Uí Cheinnéidigh to give hostages.³⁹ However, there is a possibility that Ormond already held hostages at the time of the first two indentures or it was simply taken for granted.⁴⁰

Ormond's inclusion of suit of court is the only real oddity; this obligation is usually absent from the other surviving indentures. The implications of its inclusion are, however, unclear, particularly as the two instances are contradictory. In the first instance, Ó Ceinnéidigh was required to attend court for four years 'until they shall have come to complete peace with the men of the Marches'.⁴¹ The second instance however required Ó Ceinnéidigh to attend court 'as in ancient times was the custom'.⁴² Whether this was an old custom which had lapsed, an old claim which had never been honoured, or an 'ancient custom' invented in an attempt to bring Irish tenants into a more formal, English form of landholding is impossible to say. However, the main importance of this clause is the implication that Ormond was making legal redress accessible to the Irish within his lordship.

Whatever this addition of suit of court means, it reminds us that these documents displayed an English concept of lordship even if the terms of that lordship were drawn almost entirely from an Irish tradition. There is one sharp difference between most of these indentures and the Irish client relations which they copy: the grant of land. In Irish society, as in Scottish and Welsh, lordship was based not on the lordship of land but of men.⁴³ These agreements, however, put forward the tribute, rents, obligations and required military service as being due to the lord because of landholdings. 'Pure Irish

³⁸ *COD*, i, pp. 287-90, no. 682; *COD*, ii, pp. 21-3, nos. 34-6.

³⁹ *COD*, ii, pp. 28-30, no. 46.

⁴⁰ Watt, 'Gaelic polity', pp. 326-9; Frame, *Ireland and Britain*, pp. 259-60.

⁴¹ *COD*, i, p. 287, no. 682.

⁴² *COD*, ii, p. 29, no. 46.

⁴³ R.R. Davies, *The First English Empire* (Oxford, 2000) pp. 103-4; J. Wormald, *Lords and men in Scotland* (Edinburgh, 1985) pp. 11-12.

law⁴⁴ they may be, but these Anglo-Irish magnates were using that law in an English context.

It cannot be over-emphasised that these agreements depended largely upon the strength of the men involved to enforce them. The Anglo-Irish magnate needed to be strong enough to enforce the terms on the Irish dynasty but he also had to be able to enforce them on his own men. Likewise the Irish leader had to have a secure enough hold on his chieftaincy to enforce the terms on his subjects and lineage.⁴⁵ The very enforcement of these treaties could also undermine a magnate or dynasty: complaints were made against Maurice fitz Thomas when he punished William fitz Nicholas of Kerry for the murder of Diarmait Óc Mac Carthaigh Mór⁴⁶ and submission to/support for the Anglo-Irish could prove equally if not more troublesome for an Irish leader.

As with all aspects of the earldom of Desmond, the information available for the first three earls' interactions with their Irish neighbours, tenants, and sub-chiefs is limited and decreases as the century progresses. However, there is sufficient detail to discuss the Desmond Geraldines' relationship with some of the Irish of Munster. There is a good deal of information concerning the interaction between the Desmond Geraldines and the Mic Charthaigh and between the Desmond Geraldines and the Uí Bhriain. There is also some information concerning the relationship between the Desmond Geraldines and the Uí Chonchobhair Ciarraige-Luachra (O'Connors of Kerry) but it is difficult to clarify the nature of that relationship. The Desmond Geraldines also had dealings with numerous other Irish lineages in Munster but almost nothing can be determined about the basis and terms of these connections. For example, the legal proceedings against the first earl of Desmond and his father's inquisition *post mortem* give evidence for numerous Munster Irish serving in Desmond's army or holding land from him, but there is little information on their relationships with the Desmond Geraldines.⁴⁷

⁴⁴ Mac Niocaill, 'The contact of Irish and common law', p. 20.

⁴⁵ Davies, *Domination*, pp. 39, 60-2, 93-4; C. Parker, 'The O'Reillys of East Breifne, c.1250-1450', *Breifne*, 8 (1991) p. 172.

⁴⁶ see Intro., p. 10.

⁴⁷ see below, p. 240-1; Appendix G, pp. 301-2.

The Mic Charthaigh

The best documented relationship between the Desmond Geraldines and an Irish dynasty is their relationship with the Mic Charthaigh of Desmond. To the south, the earldom of Desmond bordered on the lordship of the Mic Charthaigh. This Irish dynasty, the kings of *Desmuma* (south Munster) prior to and after the English invasion,⁴⁸ are said to have submitted to Henry II in 1171.⁴⁹ The Desmond Geraldines and other Anglo-Irish lineages in Munster had penetrated deeply into the Mac Carthaigh kingdom and the Desmond Geraldines had been able to collect a rent from the Mic Charthaigh for Ogenathy Donechud, Dunloe and Kilorglin (most of their kingdom)⁵⁰ but very little actual settlement had occurred in southern Kerry. Despite intense pressure from the English during the late twelfth and early thirteenth centuries, the Mic Charthaigh were able to prevent settlement in the core of their kingdom in western Cork and southern Kerry.⁵¹ Much of the English success had been possible due to internal conflicts within the Mac Carthaigh dynasty. These dynastic disputes resulted in the establishment of a second Mac Carthaigh dynasty: the Mic Charthaigh Cairbre (Carbery). Following this split, the main line was distinguished as the Mic Charthaigh Mór.⁵²

Before 1261, the Desmond Geraldines, and the Anglo-Irish of Munster in general, had used these internal conflicts within the Mac Carthaigh dynasty to maintain the upper hand in Desmond. But the balance of power shifted in the mid-thirteenth century with the accession of Fíngen Mac Carthaigh (king of Desmond 1252-61). In 1260-1, Fíngen campaigned along the Anglo-Irish borders and 'wasted Kerry'.⁵³ The turning point came in 1261 when Fíngen defeated the justiciar and his army at Callann. Among the heavy Anglo-Irish losses were the head of the Desmond Geraldines, John fitz Thomas, and his son and heir, Maurice fitz John.⁵⁴ After the battle of Callann, the

⁴⁸ Byrne, *Irish kings and High-Kings*, p. 47.

⁴⁹ Giraldus Cambrensis, *Expugnatio Hibernica*, Scott and Martin (eds) (Dublin, 1978) pp. 92-5, 311, n. 150; M.T. Flanagan, *Irish Society, Anglo-Norman Settlers, Angevin Kingship* (Oxford, 1989) pp. 174, 199-200; W.F.T. Butler, *Gleanings from Irish History* (London, 1925) p. 4; P. Sims-Williams, 'The submission of Irish kings in fact and fiction', *CMCS*, 22 (1991) pp. 45-7.

⁵⁰ PRO C 133/31/1; *CDI*, 1252-84, pp. 423-9, no. 1912; *CIPM*, ii, pp. 252-4, no. 437.

⁵¹ See map, p. 215.

⁵² Nicholls, *Gaelic Ireland*, p. 160 [2nd p. 189]; Butler, *Gleanings*, p. 162.

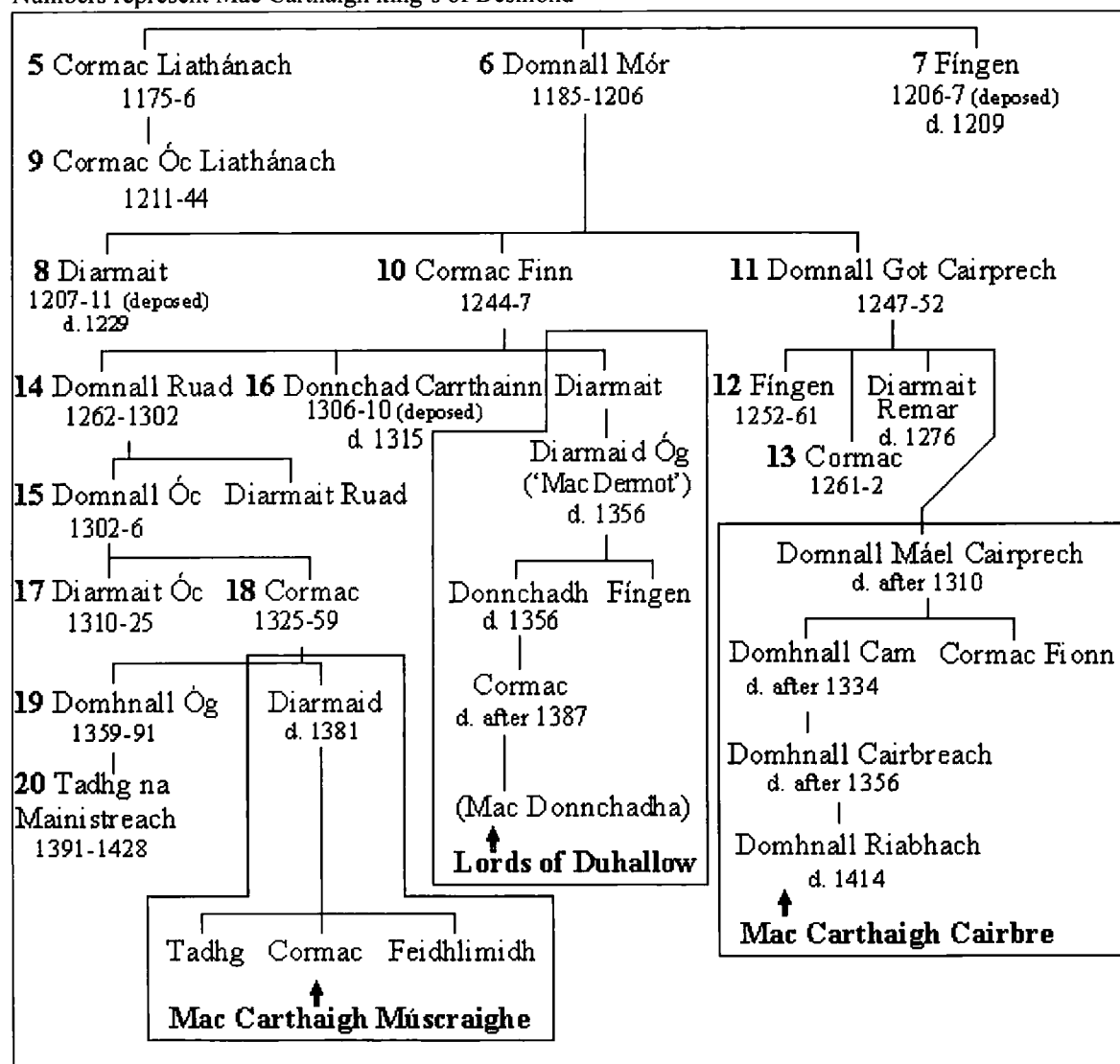
⁵³ Nicholls, *Gaelic Ireland*, p. 159. In the second edition, this is revised to 'raided Kerry' [2nd pp. 187].

⁵⁴ Otway-Ruthven, *Med. Ire.*, p. 195; J.F. Lydon, 'A land of war', *NHI*, ii, pp. 251-2; Orpen, *Normans*, iii, pp. 137-42. Nicholls, *Gaelic Ireland*, p. 159 [2nd pp. 187].

Mic Charthaigh Mór were able to re-establish their control of southern Kerry, greatly diminishing or extinguishing the Desmond Geraldines' hold on Ogenachy Donechud, and both the Mic Charthaigh Mór and the Mic Charthaigh Cairbre began expanding eastward into lands in Co. Cork which they had lost to the English in the twelfth century. Several moated sites along the River Maine (the border between the Anglo-Irish controlled cantred of Acmikerry and Irish controlled Ogenachy Donechud) suggest Mac Carthaigh attempts to expand further north in Kerry or at least fears of such expansion.⁵⁵

The Mic Charthaigh Mór and cadet branches⁵⁶

Numbers represent Mac Carthaigh king's of Desmond



⁵⁵ B.J. Graham, 'The high middle ages', Graham and Proudfoot (eds) *An Historical Geography of Ireland* (London, 1993) p. 75.

⁵⁶ *NHI*, ix, pp. 155-7; *Leg. Proc.*, p. 19. The numbering of kings matches that used in *NHI*.

Relations between the Desmond Geraldines and the Mic Charthaigh Cairbre remained hostile throughout the medieval period.⁵⁷ Contact between the two was, it seems, limited almost entirely to the attempts (and eventual success) of the Mic Charthaigh Cairbre to take possession of the Desmond Geraldine holdings in Corcaley.⁵⁸ The lands were accounted as waste in 1282 and 1298 because of the Mic Charthaigh Cairbre⁵⁹ and in 1310, during Maurice fitz Thomas's minority, Domnall Máel Cairprech Mac Carthaigh (Mac Carthaigh Cairbre) destroyed the Carew castle of Dún Mac Odhmainn, the main Anglo-Irish fortification on the western border of the region.⁶⁰ In 1326, after receiving the castle from the Carews, Maurice fitz Thomas led an army there to rebuild Dún Mac Odhmainn and subdue the Mic Charthaigh Cairbre.⁶¹ There is one exception to this continuous conflict: the Mic Charthaigh Cairbre were said to have joined Desmond in his 1345 conflict with the justiciar.⁶²

There is little suggestion of hostility between the earl of Desmond and the Mic Charthaigh Mór during the fourteenth century but animosity, if not open conflict, returned during the fifteenth century.⁶³ Nor did the Desmond Geraldines permanently lose their claims to overlordship of the Mic Charthaigh after Callann.⁶⁴ In light of the influence Maurice fitz Thomas had in Desmond, it seems likely that Thomas fitz Maurice, the son of the Maurice fitz John who died at the battle of Callann, re-established the relationship between the Desmond Geraldines and the Mic Charthaigh Mór but there is little indication of what the terms of this relationship were during his lifetime. Nor do we know exactly how much effort it took to re-establish, though both diplomacy and violence were certainly necessary. In 1283, he was among the Anglo-Irish who aided Domnall Ruad Mac Carthaigh, king of Desmond (1262-1302) against

⁵⁷ Nicholls, *Gaelic Ireland*, p. 161 [2nd pp. 189-90].

⁵⁸ During Maurice fitz Thomas's first forfeiture (1331), the lands were officially placed in the custody of the Mac Carthaigh Cairbre (NAI RC 8/16, pp. 240, 285, 469; NAI RC 8/18, p. 496).

⁵⁹ See Chap. 3, p. 157.

⁶⁰ *AI*, 1310.5.

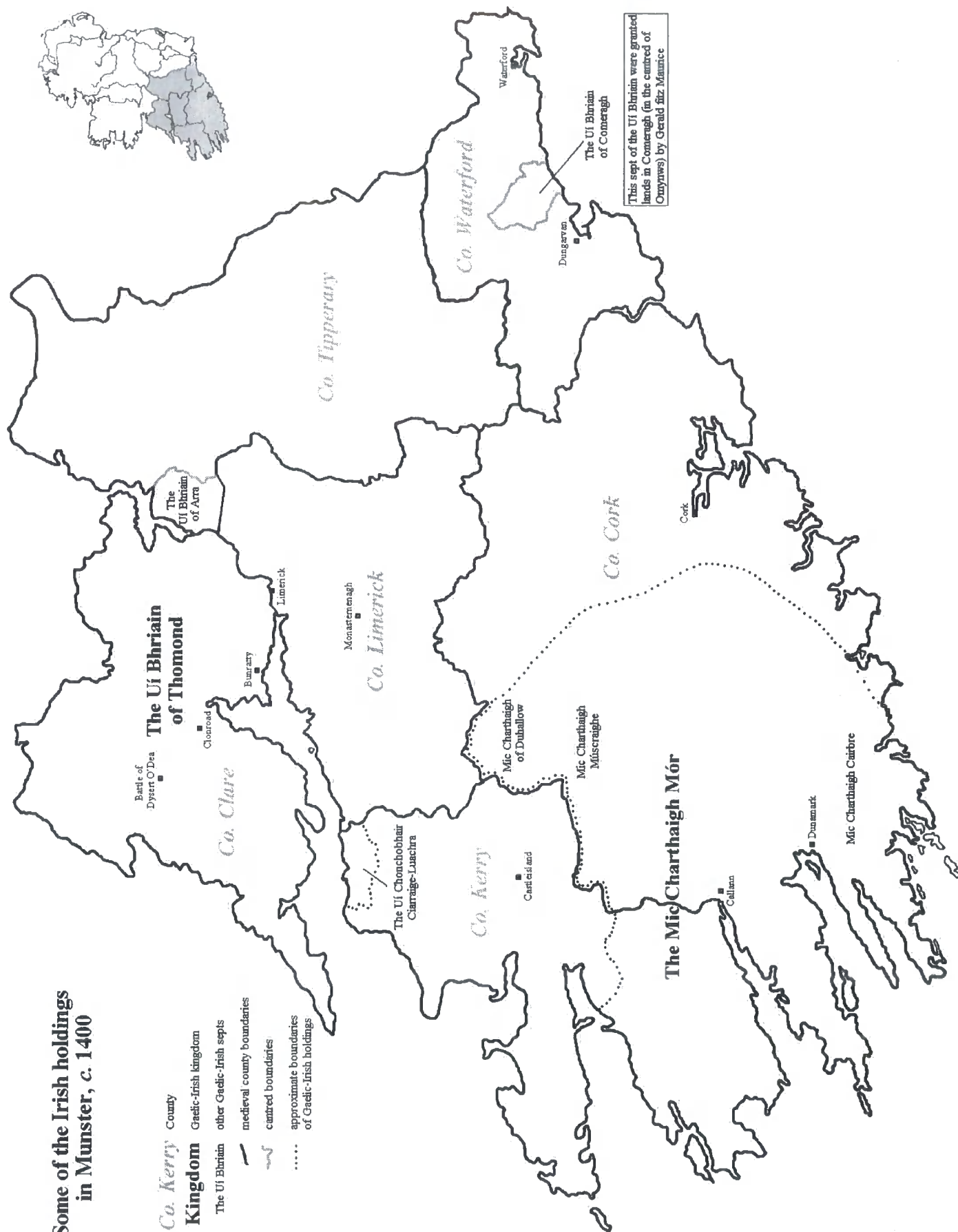
⁶¹ K.W. Nicholls, 'The development of lordship in county Cork, 1300-1600', *CHS*, p. 189.

⁶² *Leg. Proc.*, pp. 39, 40.

⁶³ Nicholls, *Gaelic Ireland*, p. 161 [2nd pp. 189-90].

⁶⁴ P. McCotter, 'The sub-infeudation and descent of the fitzStephen/Carew moiety of Desmond (part ii)', *JCHAS*, 102 (1996) p. 103.

Some of the Irish holdings in Munster, c. 1400



Domnall Cam Mac Carthaigh Cairbre,⁶⁵ but the two were at war in the early 1290s.⁶⁶ There is, in fact, one major additional piece of evidence: the family's influence over the Mic Charthaigh survived a sixteen-year minority. The continued payment of the rent of Kilorglin by the Mic Charthaigh after Thomas fitz Maurice's death and Maurice fitz Thomas's strong position immediately after inheriting the lordship would indicate that Thomas had firmly re-established the relationship prior to his death in 1298.

Unfortunately no fourteenth-century treaties, such as those between the earls of Ormond and the Ó Cheinnéidigh, survive between the earls of Desmond and the Mac Carthaigh Mór. Whilst none of the terms of any agreement between the two survive, a considerable amount about the relationship can be gleaned from the available sources.

Maurice fitz Thomas, and probably his father as well, received military service from the Mic Charthaigh. For Thomas fitz Maurice, there is no clear evidence for Mac Carthaigh troops in his service but Thomas aided Domnall Ruad Mac Carthaigh, king of Desmond (1262-1302) in 1283 and this was most likely a reciprocal agreement.⁶⁷ It seems that Maurice fitz Thomas was able to call on Mac Carthaigh military service almost as soon as he inherited his father's lordship: in the autumn of 1318, when Maurice fitz Thomas led an army into Thomond to avenge the death of Richard Clare in May at the battle of Dysert O'Dea, Diarmait Mac Carthaigh was among his forces.⁶⁸ Although it is not clear which Diarmait Mac Carthaigh this was, it seems likely it was the then king of Desmond. Mac Airt tentatively identifies him as the then king of Desmond and Ó Murchadha accepts this without comment.⁶⁹ But it is also possible that this is Diarmaid Óg, son of Diarmait son of Cormac Finn, as Diarmaid Óg was certainly an ally of Desmond in the 1350s. In fact, Mac Airt is most likely correct in identifying the Diarmait Mac Carthaigh present in Maurice's army in 1318 as the king of Desmond as Maurice displays a surprising level of influence just seven years later. When Diarmait

⁶⁵ *AI*, 1283.3.

⁶⁶ R.F. Frame, 'War and peace in the medieval lordship of Ireland', Lydon (ed.) *The English in Medieval Ireland* (Dublin, 1984) pp. 138-9; *Rotuli Parliamentorum Anglie Hactenus Inediti MCCLXXIX - MCCCLXXIII*, H.G. Richardson and G.O. Sayles (eds) Camden (3rd series) 51 (1935) pp. 35-6.

⁶⁷ *AI*, 1283.3.

⁶⁸ *AI*, 1318.3.

⁶⁹ *AI*, p. 470; D. Ó Murchadha, 'The castle of Dún Mic Oghmainn and the overlordship of Carbery', *JCHAS*, 93 (1988) p. 77.

Mac Carthaigh, king of Desmond was killed by the fitz Maurices of Kerry in 1325,⁷⁰ *Cormac Ma Carthaigh, .I. a derbrathair fein, do righadh 'na inadh do Mac Tomais [agus] do Desmumain.*⁷¹ This passage seems to indicate that Maurice fitz Thomas played an active role in appointing Diarmait's successor. The term *righad* translates as 'the act of making or crowning a king or chief; installation, coronation',⁷² though Mac Airt used the slightly more ambiguous 'proclaim' in his translation. Unfortunately it is impossible to determine exactly what occurred: whether Desmond accepted the choice of the Mic Charthaigh Mór or if they accepted his.

The following year, Maurice fitz Thomas once again received military aid from the Mic Charthaigh Mór, though in this instance it appears to be in the form of emergency assistance rather than service. As was mentioned above, Maurice embarked on an initially successful campaign against the Mic Charthaigh Cairbre in 1326.⁷³ In this instance, he had only one Donnchadh Mac Carthaigh with him. This Donnchadh is not easily identified but was probably Domnall Cairprech's rival for power; Nicholls refers to him as 'a local MacCarthy pretender' and McCotter suggests he could be Domnall Cairprech's brother.⁷⁴ Following this success, Domnall Cairprech attacked Maurice fitz Thomas's forces as they were departing. Maurice was defeated and it seems only escaped due to the timely arrival of Cormac Mac Carthaigh, king of Desmond.⁷⁵

The Mic Charthaigh Mór also provided military aid to Desmond in the 1320s/30s and 1340s during his feud with the le Poers and then during his dispute with the Dublin government. In fact, it seems likely that after his defeat in 1345, when he was said to be 'among the Irish',⁷⁶ he was with the Mic Charthaigh. This would seem to be the generally held belief at the time since it was claimed that he was attempting to

⁷⁰ There is no further indication of hostilities between the fitz Maurices of Kerry and the Mac Carthaigh. This death could have been the result of raiding by the fitz Maurices or the Mac Carthaigh but it may have been related to the hostilities between the fitz Maurices and the main branch of the Desmond Geraldines.

⁷¹ 'Cormac Mac Carthaigh, i.e. his own brother, was proclaimed king in his place by fitzThomas and by Desmumu' (*AI*, 1320.2).

⁷² E.G. Quin (ed.) *Dictionary of the Irish Language based mainly on Old and Middle Irish Materials* (Dublin, 1998) p. 507.

⁷³ *AI*, 1321.4. See Chap. 3, pp. 69-70.

⁷⁴ Nicholls, 'The development of lordship in county Cork', p. 189; Ó Murchadha, 'The castle of Dún Mic Oghmainn', p. 77.

⁷⁵ *AI*, 1321(=1326); Ó Murchadha, 'The castle of Dún Mic Oghmainn', p. 77.

foment the continued rebellion of the Mic Charthaigh Mór, Mac Diarmait (his ally Diarmaid Óg Mac Carthaigh), and the Ó Conchobuir Ciarraige.⁷⁷ This, of course, was a convenient accusation bound to be supported by the inevitable Irish raiding. Unfortunately it is impossible to determine if these difficulties, which forced the justiciar to campaign in Munster and against the Uí Bhriain,⁷⁸ were due to any prompting by the earl or merely the opportunistic attacks bound to result from the absence of the earl of Desmond from Munster.

Another branch of the Mic Charthaigh based in Duhallow also seems to have frequently supplied troops to Maurice fitz Thomas. As early as 1320, Diarmaid Óg was present in Maurice fitz Thomas's army and participated in a number of his raids into Tipperary.⁷⁹ Diarmaid Óg and his son Donnchadh were both in Desmond's army in the 1340s and Diarmaid Óg was also one of the Irish whom Desmond was said to have encouraged to remain at war after his departure to England in 1346.⁸⁰ In 1339 Maurice was said to have received Diarmaid Óg's son Fíngin as a hostage and then freed him almost immediately without the consent of the community or justiciar. A Cork jury stated that Diarmaid Óg went to war as soon as his son was returned.⁸¹ This consistent military service as well as apparent favouritism in regard to hostages would suggest Desmond exercised a certain amount of lordship over this minor branch of the Mic Charthaigh as well.⁸²

There is no clear reference to whether or not the Mic Charthaigh Mór paid a rent to the earls of Desmond in the fourteenth century. The Desmond Geraldines had collected rents for lands within the kingdom of Desmond prior to the battle of Callann, but these had, it seems, ceased to be paid for at least twenty years following that battle. There is also no reference to such a rent in the 1420-1 inquisition *post mortem* of John fitz Gerald.⁸³ However, Thomas fitz Maurice of Shanid seems to have begun collecting

⁷⁶ *Doc. Aff.*, p. 185, no. 209.

⁷⁷ *Leg. Proc.*, p. 22.

⁷⁸ Otway-Ruthven, *Med. Ire.*, p. 267.

⁷⁹ *Leg. Proc.*, pp. 17-18.

⁸⁰ *Leg. Proc.*, pp. 22, 31-2, 37-9, 40-1.

⁸¹ *Leg. Proc.*, p. 19.

⁸² See Chap. 1, p. 75.

⁸³ NLI D 1571; *COD*, iii, pp. 30-6, no. 45.

this rent again during his lifetime and payment continued for some time after his death. In the late 1290s, Walter de la Haye, the escheator of Ireland, accounted for £24 16s 8d received from Domnall Ruad Mac Carthaigh Mór for lands in Kilorglin.⁸⁴ However, his successor, Domnall Óc, may have been less willing to pay: in the early fourteenth century the sheriff of Kerry reported that £27 19s 2d rent was owing for Kilorglin.⁸⁵ Later, in the fifteenth century, exactions were a source of friction between the two powers and one hundred and fifty years later (1570s and 1580s) the earls were receiving substantial rents from both the Mic Charthaigh Mór and the Mic Charthaigh Cairbre. The details of these later exactions certainly date from after the fourteenth century and so might the restoration of the rents themselves. The exactions collected by the earls had undergone extensive changes during the fifteenth and sixteenth centuries,⁸⁶ starting with one of the third earl's younger sons, James fitz Gerald, seventh earl of Desmond (earl from 1411-1463).

Certainly the Mic Charthaigh Cairbre rent is a later addition. The hostility between the Desmond Geraldines and the Mic Charthaigh Cairbre was the result of the Mic Charthaigh Cairbre's successful efforts to reconquer Corkalee and other Desmond holdings in Co. Cork. Although it is not impossible that the first earl and the Mic Charthaigh Cairbre may have struck a deal whereby they paid rent for the lands taken from the lordship, there is no evidence for it and no profits could be collected from those lands in the early fifteenth century.⁸⁷ However, the Mic Charthaigh Mór were clearly paying rent to Thomas fitz Maurice by the time of his death. As we have seen, Maurice fitz Thomas seems to have been able to call on the Mic Charthaigh Mór for military aid very early in his career, which suggests that the relationship his father re-established survived the minority. It seems likely, therefore, that he was also able to collect the rent for Kilorglin even if royal officials had faced difficulties collecting it during the minority.

⁸⁴ 38th Rep. DKI, p. 41; McCotter, 'Sub-infeudation... (part ii)', p. 103.

⁸⁵ 38th Rep. DKI, p. 97; McCotter, 'Sub-infeudation... (part ii)', p. 103.

⁸⁶ Nicholls, *Gaelic Ireland*, p. 161 [2nd pp. 189-90]; Butler, *Gleanings*, p. 8.

⁸⁷ NLI D 1571; COD, iii, pp. 34-5, no. 45.

There is no evidence for or against Desmond demanding suit of court from the Mac Carthaigh Mór at any point during the fourteenth century but it seems unlikely as they were not resident within his lordship but beyond its borders and effectively beyond the borders of the English lordship even at its height. There is an equal lack of evidence concerning the terms of the march law used in Desmond. The only possible (and admittedly tenuous) exception is that some of the thefts mentioned in the inquisitions taken against Maurice fitz Thomas in the 1330s and 1340s may be the enforced collection of fines for a march law similar to that described in the agreement between Ormond and the Ó Ceinnéidigh.

Unfortunately the two main sources of information for the interaction between the Mic Charthaigh and the Desmond Geraldines, the *Annals of Inisfallen* and the inquisitions taken against the first earl, end in 1326 and 1346 respectively. Some details emerge from various Anglo-Irish and Irish annals and chronicles which continue through the fourteenth century and government records supply some information. But another source of information sheds a different light on the topic: the third earl's poetry. This poetry supplies us with a more personal assessment of the relationship between Gerald fitz Maurice and one branch of the Mic Charthaigh, the Mic Charthaigh Múscraighe (Mac Carthys of Muskerry), but often without any context or dates. Several of the poems refer to Mac Carthaigh breaking pacts or failing to carry out promises as well as reporting accusations that Gerald has broken his side of a bargain, but there is no indication of the details. Sometimes other sources provide the context but for the most part the reader is left to conjecture.

This branch of the Mic Charthaigh was founded by Diarmait Mac Carthaigh, the second son of Cormac Mac Carthaigh (king 1325-59). Diarmait had been established in Muskerry following the grant of this land to Cormac in 1352/3.⁸⁸ The relationship between Gerald and Diarmait Mac Carthaigh Múscraighe seems to have been very good, no doubt in part because Diarmait's wife was Gerald's niece Catherine (the only verifiable marriage between the main line of the Desmond Geraldines and the Irish of

Munster).⁸⁹ Unfortunately, most of the information regarding this relationship comes from Gerald fitz Maurice's poetry so tends to be somewhat vague.

During the period when the third earl was held captive by the Ó Briain, it seems Diarmait met with Brian Sreamhach Ó Briain and spoke on Desmond's behalf.⁹⁰ Desmond's release shortly thereafter may indicate that this was at least partially successful. Another poem indicates there were disputes between the two.⁹¹ In part, this conflict may have been over the custody of Cormac, Diarmait's son. There are several grants in the late 1370s to Anna, Gerald fitz Maurice's sister (and Cormac's grandmother) regarding the custody of Cormac. In August 1375 her custody of Cormac Múscraighe Mac Carthaigh, her grandson, was confirmed; and she was twice issued grants of protection and defence from the king, first in May and then again in August. It seems that she had custody of Cormac, probably as a hostage for Diarmait's good behaviour, but that Diarmait had taken custody of the boy.⁹² Even this poem indicates that Gerald and Diarmait were close.⁹³ When Diarmait died in 1381, Gerald composed a poem mourning his loss⁹⁴ and numerous later poems contain references to his deep mourning and seem to indicate a strong bond or at least a great deal of respect between the two men.⁹⁵ It has been suggested that this apparent close connection may have resulted from fosterage: Gerald may have been fostered with the Mic Charthaigh Mór or Diarmait may have been fostered with Maurice fitz Thomas.⁹⁶ However, it also could just be a result of family ties: Diarmait was married to Gerald's niece.

After Diarmait's death, his son Cormac succeeded him and his relationship with the earl of Desmond may have been more strained though the information concerning it is limited to two poems concerning Cormac's failure to fulfil an unidentified pact.⁹⁷ There is also a poem concerning the death of a Cormac son of Diarmaid son of Cormac

⁸⁸ Nicholls, *Gaelic Ireland*, p. 160 [2nd pp. 188-9].

⁸⁹ *The Pipe Roll of Cloyne*, pp. 183, 224.

⁹⁰ Mac Niocaill, 'Duanaire Ghearáid Iarla', poem 20, p. 39.

⁹¹ Mac Niocaill, 'Duanaire Ghearáid Iarla', poem 18, p. 36.

⁹² *The Pipe Roll of Cloyne*, pp. 183, 224; *RCH*, p. 97, no. 234; p. 98, no. 271.

⁹³ Mac Niocaill, 'Duanaire Ghearáid Iarla', poem 18, p. 36.

⁹⁴ Mac Niocaill, 'Duanaire Ghearáid Iarla', poem 23, pp. 42-3.

⁹⁵ Mac Niocaill, 'Duanaire Ghearáid Iarla', poem 1, pp. 12-13; poem 3, pp. 15-16; poem 8, pp. 23-5; poem 16, p. 34; poem 17, p. 35; poem 28, pp. 48-9; poem 29, pp. 49-51; poem 30, pp. 51-2.

⁹⁶ J. Carney, 'Literature in Irish', *NHI*, ii, p. 698.

Mac Carthaigh,⁹⁸ but Cormac Mac Carthaigh Múscraige outlived Gerald fitz Maurice. It has been suggested that this might refer to a near fatal injury or false reports of his death or even a brother of the same name.⁹⁹

There is essentially no information concerning his relationship with the Mic Charthaigh Cairbre and little concerning the Mic Charthaigh Mór. It is highly unlikely that the animosity between the Mic Charthaigh Cairbre and the earls of Desmond decreased during this period as the Mic Charthaigh Cairbre still occupied lands belonging to Desmond in south-western Cork. The close connection with the Mic Charthaigh Mór may also have waned during the second half of the fourteenth century. The only indication of the state of the relationship comes at the close of the century; it dates from Richard II's trip to Ireland. Prior to Tadhg Mac Carthaigh Mór's submission, he wrote to Richard expressing his loyalty. In that letter, he states that he holds his lands of the king and his lord, the earl of Desmond - *domini mei Comititis Dessemonie*.¹⁰⁰ But, of course, Tadhg's acceptance of the *status quo* need not indicate that he was happy about it. This statement may also have resulted from a fear that the earl of Cork would become his overlord in the king's eyes.¹⁰¹ Certainly by the fifteenth century animosity was building up between the Desmonds and the Mic Charthaigh Mór but this later animosity was due to the increasing demands of James, seventh earl of Desmond (1411-63).¹⁰²

There is one further piece of evidence, already mentioned above, which might be relevant to determining the relationship between the third earl of Desmond and the Mic Charthaigh. It is a poem concerning his relationship with the Irish, the meaning of which is somewhat difficult to follow. In it he states that he has bestowed his protection on some of the Irish.¹⁰³ This could be a reference to the practice of paying for the protection of a lord. Nicholls links this practice to clientage and describes it thus: 'any

⁹⁷ Mac Niocaill, 'Duanaire Ghearáid Iarla', poem 9, pp. 25-6; poem 1, pp. 12-13.

⁹⁸ Mac Niocaill, 'Duanaire Ghearáid Iarla', poem 27, pp. 46-7.

⁹⁹ My thanks to Katharine Simms for suggesting possible readings of this apparent contradiction.

¹⁰⁰ E. Curtis, *Richard II in Ireland 1394-5 and Submissions of the Irish Chiefs* (Oxford, 1927) p. 67.

¹⁰¹ See Chap. 2, pp. 141-2.

¹⁰² Nicholls, *Gaelic Ireland*, p. 161 [2nd pp. 189-90].

¹⁰³ Mac Niocaill, 'Duanaire Ghearáid Iarla', poem 5, pp. 17-19.

injury done to the person who had so purchased protection was treated as an injury done directly to his protector...'.¹⁰⁴ Equally, it may refer to the protection that gentry families, barons, and magnates extended to their affinities.¹⁰⁵ In Ireland, this relationship between a lord and his affinity could be formalised through gossiprid. Gossiprid was 'a pledge of fraternal association between a lord who thereby gained service, and his client who received protection, patronage and... preferential treatment of his suits in court'.¹⁰⁶ It acted, like marriage and fosterage, to strengthen the ties between a lord and members of his affinity.¹⁰⁷ It seems likely that the relationship between the earls of Desmond and the Mic Charthaigh Múscraughe and the Mic Charthaigh Mór would have included some mix of these formal elements.

Though the exact terms of the overlordship remain vague throughout the fourteenth century, it seems clear that the first three earls of Desmond, like their ancestors and descendants, were able to exercise a certain amount of influence over the Mic Charthaigh Mór and at least some of the Mac Carthaigh cadet branches, with the notable exception of the Mic Charthaigh Cairbre who seem to have successfully resisted Maurice's attempts to bring them under his lordship. The earls of Desmond seem to have been able to exact or at least expect military service from the Mic Charthaigh Mór and probably a rent, though the details are vague. Throughout the fourteenth century this relationship seems to have remained, for the most part, amicable - though the fifteenth century would see it decline into mutual hostility probably due to the efforts of James, the seventh earl of Desmond, to strengthen his lordship.

The Uí Bhriain

The other powerful Irish dynasty with whom the Desmond Geraldines had a great deal of contact was the Uí Bhriain of Thomond. Relations between the Desmond Geraldines and Clann Taidgh, the ruling branch of the Uí Bhriain of Thomond, were hostile for most of the fourteenth century, though Gerald fitz Maurice does seem to have

¹⁰⁴ Nicholls, *Gaelic Ireland*, pp. 41-2 [2nd pp. 46-9].

¹⁰⁵ Hand, 'Status of the Native Irish', p. 102, Parker, 'Politics and Society', p. 171.

¹⁰⁶ F. Fitzsimons, 'Fosterage and gossiprid in late medieval Ireland: some new evidence', Duffy, Edwards and FitzPatrick (eds) *Gaelic Ireland, c.1250-c.1650* (Dublin, 2001) p. 143.

¹⁰⁷ Fitzsimons, 'Fosterage and gossiprid', pp. 138-9, 143-4.

established an understanding with the Uí Bhriain in the 1380s. This hostility was due to the Desmond Geraldines' support for rival claimants to the rule of Thomond. Unlike in their relationship with the Mic Charthaigh, the Desmond Geraldines had little claim to overlordship of the Uí Bhriain and no 'ancient precedence' upon which to base a claim.¹⁰⁸ Therefore, they sought to establish a favourable relationship with the dynasty by aiding rival claimants' attempts to oust the ruling Ó Briain; they first supported Clann Bhriain Ruaidh and then another member of Clann Taidgh. However, the Desmond Geraldines' relationship with these rival claimants was not immune to hostility. Relations between the Desmond Geraldines and their Uí Bhriain 'allies' was not that of a lord, or overlord, and vassal but rather a personal link which could and would be ignored when politics or expediency demanded. In spite of this, the connection seems to have been strong enough to be re-solidified following these periods of conflict.

The direct involvement of the Desmond Geraldines in Thomond in the fourteenth century began through the close, probably marital,¹⁰⁹ connection between Maurice fitz Thomas and Richard Clare. The Clare lords of Thomond had been granted the whole of Thomond in 1276,¹¹⁰ but the territory had never been conquered despite the efforts of two generations of Clares. By the start of the fourteenth century they securely held a small lordship carved out of the south-eastern corner around Bunratty but only with constant effort. They were seen as the lords of the Uí Bhriain by the royal government in Dublin but the Burgh lords of Connacht and earls of Ulster, as well as cadet branches of the Burgh family, also sought and gained a considerable amount of influence with the Uí Bhriain. The Clares backed Clann Bhriain Ruaidh and the Burghs backed Clann Taidgh. This conflict of interests often brought the two magnates and their affinities into conflict in Thomond, with each side giving military support to opposing candidates for the kingship of Thomond.¹¹¹

¹⁰⁸ They did have land claims in Thomond, but no real presence there.

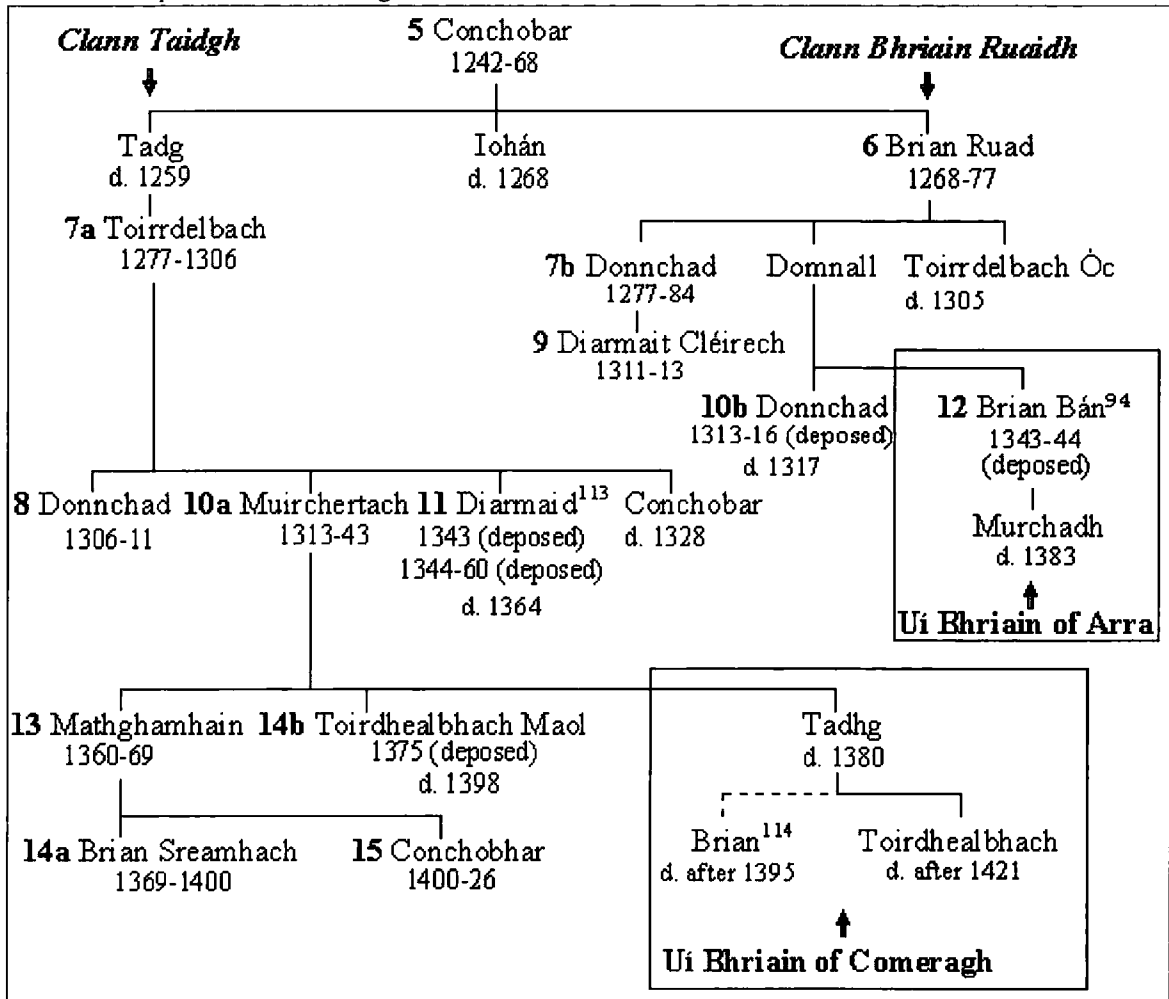
¹⁰⁹ Richard Clare's wife, Joan, may have been Maurice fitz Thomas's sister (See Chap. 1, p. 28).

¹¹⁰ Otway-Ruthven, *Med. Ire.*, p. 201.

¹¹¹ See Chap. 1, p. 27.

The Uí Bhriain¹¹²

Numbers represent Ó Briain kings of Thomond



Soon after coming of age Maurice fitz Thomas began to take an active role in Thomond in support of Richard Clare and, therefore, Richard's candidate for the kingship of Thomond, Donnchad Ó Briain (Clann Bhriain Ruaidh).¹¹⁵ However, in 1316 during the Bruce invasion, Donnchad Ó Briain led a campaign into Kerry against his old ally.¹¹⁶ When he returned to Thomond after the campaign, he found that Muirchertach Ó Briain of Clann Taidgh had deposed him in his absence. Now unable to turn to his Anglo-Irish allies for aid, Donnchad instead turned to Edward Bruce who, in 1317, proved unwilling to become embroiled in Thomond politics when Donnchad's promises

¹¹² *NHI*, ix, p. 152 (except where noted). The numbering of kings matches that used in *NHI*.

¹¹³ A. Nic Ghiollamhaith, 'Kings and vassals in later medieval Ireland', Barry, Frame, and Simms (eds) *Colony and Frontier in Medieval Ireland* (London, 1995) pp. 211-12; 'Annals of Nenagh', D.F. Gleeson (ed.) *AH*, 12 (1943) p. 160. See below, p. 230.

¹¹⁴ Parker, 'Politics and Society', pp. 146-7; *Caithréim Thoirdhealbhagh*, S.H. O'Grady (ed.) ITS, 26-7 (London, 1929) i, p. 172/ii, p. 182; *An Leabhar Muimhneach Maraon le Suim Aguisíní*, T. Ó Donnchadha (ed.) (Dublin, 1940) p. 360; Curtis, *Richard II*, p. 91.

¹¹⁵ See Chap. 1, p. 29.

¹¹⁶ Frame, *Ireland and Britain*, p. 86.

of a general rising in Munster in support of the Bruces failed to bear fruit. After Edward Bruce's army turned north, Donnchad seems to have briefly regained power but was soon killed.¹¹⁷ Despite this treachery, Maurice fitz Thomas's connection with Clann Bhriain Ruaidh continued.

Maurice fitz Thomas was back in Thomond in the autumn of 1318 because of Richard Clare's death at Dysert O'Dea earlier that year. Perhaps not without an eye to recovering his family's land claims in Thomond, but certainly with a strong interest in securing a firmer peace and alliance with the significant Irish power to the north of his lordship as well as seeking to defend the inheritance of, it seems, his nephew Thomas Clare, Maurice stepped into Richard Clare's shoes: that autumn Maurice led a force into Thomond to avenge Richard's death. Donnchad had died the previous year, but his brothers Brian Bán and Mathgamain were with Maurice on this campaign.¹¹⁸ In light of the failure of the Bruce invasion and his brother's recent uprising, Brian Bán may have been seeking to re-establish the relationship between Clann Bhriain Ruaidh and their old allies. It was this relationship which defined the Desmond/Uí Bhriain relationship for the next thirty years.

For almost a decade and a half, Brian Bán and Maurice fitz Thomas seem to have had a loose association with each acting to the other's benefit, but claims that Maurice fitz Thomas was in league with Brian Bán would seem to overstate the matter in the light of events.¹¹⁹ The relationship between Maurice fitz Thomas and Brian Bán Ó Briain appears to have been less than 'feudal' but more than mercenary.

Maurice fitz Thomas's power and influence was on the increase in the 1320s and early 1330s. Much of this period was spent building alliances for his feud against the le Poers and the Burghs and with the extinction of the Clare lords of Thomond he became the most powerful magnate in the region. This position was further reinforced by his creation as earl of Desmond.¹²⁰ Therefore it is hardly surprising to find that Maurice fitz Thomas's relationship with Brian Bán seems to have remained stable throughout the

¹¹⁷ See Chap. 1, pp. 34-5.

¹¹⁸ *AI*, 1318.3.

¹¹⁹ *Leg. Proc.*, p. 14.

1320s and into the 1330s. Certainly it was the view of several Limerick juries that they were allied throughout this period.¹²¹ One jury claimed that ‘all the lands that are waste in Munster have been wholly wasted and destroyed by the aforesaid earl [of Desmond], Robert son of Matthew Caunteton, Brian O’Brien and their adherents etc’.¹²² Though the jurors were exaggerating, events would seem to indicate Maurice fitz Thomas and Brian Bán remained allies. Brian Bán was with Maurice fitz Thomas when he attacked le Poer and Burgh manors in 1321¹²³ and 1326¹²⁴ and when he attacked Limerick in 1327.¹²⁵ He was also said to have been a part of the supposed 1327 plot to make Maurice fitz Thomas king of Ireland.¹²⁶ In 1330, Brian Bán also joined Maurice in his successful campaign against the Uí Nualláin (the O’Nolans), the Uí Mhórdha (the O’Mores), and the Uí Dhímusaig (the O’Dempseys).¹²⁷ Mac Conmara (Mac Namara), a chief vassal of the Ó Briain, was also linked with Brian Bán and Maurice fitz Thomas around this time.¹²⁸ It has been suggested that this represents a separate agreement between Maurice fitz Thomas and the Mac Conmara,¹²⁹ but it seems equally possible that the Mic Conmara were there in aid of Brian Bán.

However, Brian Bán was attempting to carve out a lordship for himself in Arra at this time so his attacks on Burgh lands in Tipperary were as much to his advantage as Maurice fitz Thomas’s. But, more importantly, his connections with Maurice and his involvement in the le Poer feud might explain why the Butlers initially took little interest in his continuous raiding in Tipperary. James Butler, the main magnate power in Tipperary, had sided with Maurice fitz Thomas against the Burghs and le Poers and, prior to his departure for England in 1328, James Butler no doubt ignored Brian Bán’s raids in Tipperary because of his involvement in the feud. However, Brian Bán’s failure

¹²⁰ See Chap. 1, pp. 53-4.

¹²¹ Leg. Proc., pp. 8, 14.

¹²² Leg. Proc., p. 8.

¹²³ Leg. Proc., p. 17. This event or one of the later raids may be the source of the *Annals of Connacht* 1322 entry: ‘Brian O Briain inflicted a great defeat on the Galls’ (AC 1322.11). The entry itself would appear to be misdated or mixed as it also records the death of William Liath Burgh (d.1324).

¹²⁴ Leg. Proc., p. 18.

¹²⁵ Leg. Proc., pp. 10-11.

¹²⁶ Leg. Proc., pp. 6, 12-13.

¹²⁷ *St. Mary’s Abbey*, ii, p. 372; *Grace*, p. 117; NAI RC 8/15, p. 419; E. O’Byrne, *War, politics and the Irish of Leinster, 1156-1606* (Dublin, 2003) p. 92. See Chap. 1, pp. 54-5.

¹²⁸ Leg. Proc., pp. 12-13.

to limit his raiding to Burgh and le Poer lands was probably partially responsible for the Butlers' withdrawal from the feud after James's return from England.¹³⁰

The events of 1330 through 1333, discussed in Chapter 1, are difficult to follow and it is nearly impossible to determine whether Maurice's role in some events was that of peace-maker or firebrand. Throughout the summer of 1330, Desmond was said to have been raiding towns in Tipperary, as was Brian Bán. These attacks, or at least those Maurice fitz Thomas was involved in directly, were aimed against the le Poers or Burghs. But Brian Bán also struck out against the Butler's lands in Tipperary.¹³¹ Around the same time, Brian Bán killed James Beaufo, sheriff of Limerick. Jurors claimed he was able to do this because Maurice fitz Thomas had ordered that no one should obey the sheriff. It was even asserted that Brian Bán was acting on Maurice's orders.¹³² Shortly after and probably because of this event Thomas Lees (a man with links to Desmond¹³³), the newly appointed sheriff, was ordered to seize the goods of Brian Bán but Desmond intervened and ordered their return.¹³⁴

These actions were almost certainly carried out by Brian Bán to advance his own cause rather than in the earl of Desmond's interests. Maurice fitz Thomas would have had little to gain from either the attacks on Butler lands or the killing of James Beaufo. Though he may have benefited from his connections with the newly appointed sheriff, it is unlikely that he would have gone so far as to have Beaufo killed. Maurice certainly had nothing to gain by turning on his ally, James Butler, as he still needed open access to Tipperary to carry out attacks on Burgh and le Poer lands. Brian Bán, on the other hand, was attempting to carve out a lordship for himself and Clann Bhriain Ruaidh in Limerick and Tipperary and so was raiding somewhat indiscriminately under the guise of raiding the lands of the Burghs and le Poers. Desmond, perhaps short-sightedly,

¹²⁹ Nic Ghiollamhaith, 'Kings and vassals', pp. 202, 211-12.

¹³⁰ The main reason was the creation of James Butler as earl of Ormond in 1328 and the pressure placed on him while in England to stay aloof from Anglo-Irish feuding but the failure of his former 'side' to respect his holdings would have given him little reason to chance continued involvement.

¹³¹ Leg. Proc., pp. 11-12, 15; Nic Ghiollamhaith, 'Kings and vassals', p. 211; Empey, 'The Butler lordship in Ireland', p. 166.

¹³² Leg. Proc., pp. 9, 14; Mogdan, 'Examining the Evidēce', pp. 18-19; see Chāp. 1, p. 55.

¹³³ Leg. Proc., p. 7.

¹³⁴ Leg. Proc., p. 10 (prob. 1330 as Thomas Lees was made sheriff in May 1330 and Roger Outlaw was the justiciar from July 1330).

turned a blind eye to his additional raids in Limerick and Tipperary but the sheriff of Limerick and James Butler had no reason to ignore him.

Following a July 1330 parliament in Kilkenny, the justiciar led a campaign against Brian Bán.¹³⁵ However, Maurice fitz Thomas was not present. He and two of his men were formally accused of aiding and abetting O'Brien during his 1330 raids as well as harbouring him after they were committed. Desmond submitted to trial and claimed that he had met with O'Brien, with official sanction, in an attempt to restore him to the king's peace (just as in 1318).¹³⁶ However, on this occasion no jury could be assembled and Desmond was committed to prison where he remained for a short period and then escaped.¹³⁷ This escape offers no clue as to his guilt: he seems to have left his imprisonment in response to attacks on his lordship. After the campaign against Brian Bán, Walter, the son of William Liath Burgh, attacked Desmond's lands in Tipperary.¹³⁸ The outcome of this case might have provided us with some clue as to the actual level of Desmond's involvement in Brian Bán's actions in 1330-32, but the case gets lost in the wider conclusion to the le Poer/Desmond feud and Desmond's arrest in 1332.¹³⁹

The temporary fall of the earl of Desmond failed to bring Brian Bán to the king's peace and he continued raiding in the region.¹⁴⁰ For at least several years following the earl of Desmond's restoration in 1333, Maurice fitz Thomas and Brian Bán seem to have been at odds. In 1335, Desmond led a campaign against Brian Bán to discourage him from raiding in eastern Limerick.¹⁴¹ Brian Bán, however, did not relax his militant behaviour until two years later when he came to an agreement with the Burghs.¹⁴²

¹³⁵ See Chap. 1, p. 56.

¹³⁶ See Chap. 1, pp. 34, 57.

¹³⁷ UCL add. MS 3104, p. 61b; Leg. Proc., pp. 15-16; G.O. Sayles, 'The rebellious first earl of Desmond', Watt, Morrall and Martin (eds) *Medieval Studies Presented to Aubrey Gwynn, S.J.*, p. 211; Frame, *English Lordship*, p. 194; Leg. Proc., p. 17. See Chap. 1, p. 57.

¹³⁸ *St. Mary's Abbey*, ii, p. 374; *Grace*, p. 119; *Clyn*, p. 21; Frame, *English Lordship*, p. 194; see Chap. 1, p. 57.

¹³⁹ See Chap. 1, pp. 58-61.

¹⁴⁰ *St. Mary's Abbey*, ii, p. 377; *Grace*, p. 125.

¹⁴¹ *Clyn*, p. 27.

¹⁴² *AC*, 1337.2.

The earl of Desmond and Brian Bán Ó Briain may have re-established their association by 1343 when Brian Bán briefly seized the chieftaincy of the Uí Bhriain.¹⁴³ There is no mention of Anglo-Irish involvement but Mic Charthaigh involvement in Brian Bán's seizure of power and Brian Bán's presence in Desmond's army two years later hints at the possibility. However both these points need to be qualified. First, Brian Bán's presence in Desmond's army in 1345 does not necessarily indicate a rapprochement between the two and could represent a coalition against the justiciar rather than support for Desmond. Two other Irish chiefs with a long history of animosity against Desmond were also present, the Uí Chonchobair Ciarraige-Luachra and the Mic Charthaigh Cairbre.¹⁴⁴ Second, though the presence of a Mac Carthaigh in Brian Bán's army could have been as a result of Desmond's support, there are two further possible explanations for a Mac Carthaigh's presence. Nic Ghiollamhaith has attributed the presence of Mac Carthaigh to the growing political connections of another of Brian Bán's supporters - Mac Conmara - citing a Mac Conmara/Mac Carthaigh marriage alliance at this time.¹⁴⁵ It is also possible that Brian Bán could have gained Mac Carthaigh connections while fighting alongside them and Maurice fitz Thomas in the 1320s.

In 1345-6, when Maurice fitz Thomas was once again at the head of a large alliance, Brian Bán once again lent him military aid against Ralph Ufford. Brian Bán was present at the muster the earl of Desmond held at Cashel on 7 July.¹⁴⁶ Following Desmond's defeat, it is perhaps not surprising that the Uí Bhriain were not listed among the Irish whom Desmond was said to be urging to revolt until his return - Brian Bán was unlikely to act in Desmond's interests during his absence.¹⁴⁷ But Brian Bán was happy to take advantage of the situation: a campaign was necessary against him in 1348.¹⁴⁸

¹⁴³ *AC*, 1343.7; *AFM*, iii, 1343; *ALC*, i, 1343; 'Annals of Nenagh', p. 160.

¹⁴⁴ *Leg. Proc.*, pp. 21-2, 26-7, 39. For the Uí Chonchobair Ciarraige-Luachra, see below, p. 235. For the Mic Charthaigh Cairbre, see above, p. 214.

¹⁴⁵ Nic Ghiollamhaith, 'Kings and vassals', p. 212; 'Annals of Nenagh', p. 160.

¹⁴⁶ *Leg. Proc.*, p. 27.

¹⁴⁷ *Leg. Proc.*, p. 22.

¹⁴⁸ Otway-Ruthven, *Med. Ire.*, p. 267.

With Brian Bán's death in 1350 and Maurice fitz Thomas's death in 1356,¹⁴⁹ the tumultuous relationship between the Desmond Geraldines and Clann Bhriain Ruaidh seems to have come to an end. From the beginning, it had been based on a personal connection between Brian Bán and Maurice and relied on the ability of each to help the other so it is unsurprising to see this relationship end with their deaths. The relocation of Brian Bán's followers and descendants to Arra, Co. Tipperary further undermined this link as the Uí Bhriain of Arra turned their interests east, away from the former area of mutual interest. The only link between Maurice fitz Thomas's descendants and the descendants of Brian Bán Ó Briain, is that Brian Bán's descendants later began raiding into Limerick again, first in 1381 and then in 1394.¹⁵⁰

The records are far quieter concerning Maurice fitz Thomas's relationship with the ruling line of the Uí Bhriain after 1318. Undoubtedly Maurice's interests in Bunratty led to hostility between the two and Diarmaid Ó Briain and his chief supporter, Mac Conmara, joined the justiciar against Desmond in 1345.¹⁵¹ But Desmond's apparent withdrawal from Uí Bhriain politics for much of the period between 1318 and at least 1343 may explain the apparent lack of open hostilities.

Unfortunately, all sources are silent concerning the second earl of Desmond, Maurice fitz Maurice, and the Irish of the region. However, the third earl's relationship with the Uí Bhriain of Thomond is better documented than that of either his father or brother. In part, the survival of more detail can be attributed to the volatile nature of Gerald fitz Maurice's relationship with the Uí Bhriain.

For roughly fifteen years, from 1369 until the mid-1380s, the Uí Bhriain of Thomond, now led by Brian Sreamhach Ó Briain, posed a serious threat to the earldom of Desmond and Munster in general though Co. Limerick was in the greatest danger. As has been discussed in Chapter 2, the threat was considerable: in 1370 Brian Sreamhach was able to capture Gerald fitz Maurice and the Uí Bhriain even seised the town of

¹⁴⁹ *AC*, 1350.4. See Chap. 1, p. 95.

¹⁵⁰ *RCH*, p. 119, nos. 132-3; *AFM*, iv, 1382 [*AFM* misdates the raid to 1382]; 1394; Otway-Ruthven, *Med. Ire.*, pp. 314-15, 326; Otway-Ruthven, 'Royal Service', p. 45.

¹⁵¹ NAI RC 8/23, pp. 511-12; R.F. Frame, 'The justiciarship of Ralph Ufford', *SH*, 13 (1973) p. 46.

Limerick for a short period forcing the chief governor, William of Windsor, to break off a campaign against the Uí Thuathail (the O'Tooles) in Leinster to deal with them. William was able to ransom Gerald and restore a semblance of peace but only temporarily. By 1372 the conflict was once again escalating, growing particularly fierce in 1374 and culminating in the defeat and banishment of Brian Sreamhach from Thomond and his replacement by Toirdhealbhach Maol, his uncle. However, this success was short lived: Brian regained control shortly thereafter and the Uí Bhriain continued to raid western Munster throughout the rest of the 1370s¹⁵² and the Anglo-Irish were faced with the question of what to do with their allies, who were now themselves banished from Thomond.

Gerald fitz Maurice had backed Toirdhealbhach Maol for the kingship of Thomond and after Toirdhealbhach's expulsion, Gerald also aided Toirdhealbhach's family and supporters. It seems he settled Tadhg, Toirdhealbhach's brother, or Tadhg's son Brian, in Comeragh, Co. Waterford after they were expelled from Thomond. The genealogies (eighteenth century) in the appendix to *Caithréim Thoirdhealbhaigh* state that Brian Ó Briain banished '*mBrian na gcumarch*' ('O'Briens-of-Cumarach') to Decies.¹⁵³ Brian, Tadhg's son, submitted to Richard II in 1395.¹⁵⁴ Parker assumes that it was this Brian son of Tadhg who was expelled and states that it occurred around the time of Gerald's capture in 1370.¹⁵⁵ In fact, it was probably in 1375 with the expulsion of Toirdhealbhach, Tadhg's brother. And Tadhg himself may also have been expelled as he seems to be associated with Comeragh: another genealogy (seventeenth century) in *An Leabhar Muimhneach* refers to Toirdhealbhach, mac Taidhg an Chomhraic.¹⁵⁶ This Toirdhealbhach is probably a brother of Brian. The description of the manor of Comeragh in Thomas fitz Maurice's inquisition *post mortem* describes it as consisting mainly of the south-eastern half of the cantred of Omynws (the parish of Stradbally). The north-western half of that cantred consists of two mountain ranges: the Comeragh

¹⁵² See Chap. 2, pp. 119-25.

¹⁵³ *Caithréim Thoirdhealbhaigh*, i, p. 172/ii, p. 182.

¹⁵⁴ Curtis, *Richard II*, p. 91.

¹⁵⁵ Parker, 'Politics and Society', pp. 146-7; C. Parker, 'The internal Frontier', Barry, Frame and Simms (eds) *Colony and Frontier in Medieval Ireland* (London, 1995) p. 142.

and the Monavullagh mountains. It is not clear where this relocated branch of the Uí Bhriain held lands but it was probably in the more mountainous north-western portion of the cantred of Omynw. The reason for this unusual move is unclear. Failed contenders such as the Uí Bhriain of Comeragh could rarely expect much help from their Anglo-Irish allies once their efforts at aggrandisement collapsed. Desmond's intentions are unclear, but it seems unlikely that this was merely an altruistic act in support of a failed ally. It is more likely that this transplantation should be viewed as similar to the granting of lands to gallowglass families: Desmond probably expected them to supply a considerable amount of military service in exchange for the land.

Brian Sreamhach continued to lead raids against Munster throughout the 1370s but it was in the spring of 1382 that he again launched a major campaign. At the time, he was said to have been attempting a general conquest of Limerick, Kerry and Cork.¹⁵⁷ That year also saw the deaths of two of Brian Sreamhach's brothers, Muirchertach and Domhnall, in the prison at Trim.¹⁵⁸ There is no information regarding how and when they died but it seems likely that they were executed in response to Brian's attacks. Though the fate of forfeited hostages in the lordship of Ireland in the fourteenth century is generally obscure, it seems likely that the deaths of these two hostages in the same year as a major breach of the peace would suggest they were executed in accordance with the statutes of 1331 and 1366.¹⁵⁹

Perhaps spurred on by these executions, hostilities continued for several years despite an outbreak of the plague in 1383.¹⁶⁰ Another campaign, which proved unsuccessful, was organised by the newly appointed lieutenant, Philip Courtenay, for January 1384.¹⁶¹ Encouraged by this initial success, Brian Sreamhach Ó Briain formed an alliance with a number of Irish leaders from Leinster, Munster and Connacht and

¹⁵⁶ *An Léabhar Muimhneach*, p. 360.

¹⁵⁷ *RCH*, p. 114, nos. 189-90; *AFM*, iv, 1382.

¹⁵⁸ *AU*, iii, 1382; *AFM*, iv, 1382.

¹⁵⁹ *Early Statutes*, pp. 324-5, 443; Frame, *Ireland and Britain*, p. 262.

¹⁶⁰ *AFM*, iv, 1383. See Chap. 2, pp. 125-6.

¹⁶¹ 'Lord Chancellor Gerrard's Notes of his Report on Ireland', [a.k.a. 'the Gerrard Papers'] C. McNeill (ed.) *AH*, 2 (1931) pp. 289-90; Otway-Ruthven, *Med. Ire.*, p. 317; Lydon, *Lordship*, p. 228 [2nd p. 165].

Courtenay had to buy peace.¹⁶² But over the next few years Gerald fitz Maurice seems to have managed a remarkable reversal in his relationship with Brian Sreamhach as well as in relations between the Uí Bhriain and the English lordship in Ireland. By 1388 the situation was such that Gerald fostered his own son, James, with the Uí Bhriain.¹⁶³ As was discussed in Chapter 2, this new relationship was probably the result of a combination of factors, including a growing inclination to find a compromise on the part of both men and the escalating conflict in Connacht.¹⁶⁴ However, the ties of fosterage and the terms of their agreement seem to have done little to cultivate closer ties between the two lineages beyond establishing peace.¹⁶⁵

There is little further indication of violent conflict between the Uí Bhriain and Desmond prior to the death of Gerald (d.1398) and Brian (d.1400) but one version of Gerald's death declares his passing to be murder - carried out by agents of the Ó Briain of Thomond.¹⁶⁶ However, though the details of Gerald's death are obscure, the Irish annals report that he 'died penitently after receipt of the Sacraments of the Holy Church in due form,'¹⁶⁷ which hardly sounds like murder had been done.

The Desmond Geraldines' relationship with the Ó Briain ruling dynasty was hostile throughout most of the fourteenth century. Though both Maurice fitz Thomas and Gerald fitz Maurice supported contenders for the kingship of Thomond, neither was able to successfully install their ally as king for long. For Maurice, his connection with Brian Bán was of very limited success. Though Brian Bán supplied him with additional troops during his feud with the le Poers and the Burghs in the 1320s and 1330s and against Ufford in the 1340s, Brian Bán's personal agenda in Tipperary probably undercut Desmond's relationship with the Butlers and may have helped to keep Ormond out of the final years of the Desmond/le Poer feud. It also resulted in Desmond being

¹⁶² *RCH*, p. 123, no. 31 [misdated to Jan. rather than June (Otway-Ruthven. *Med. Ire.*, p. 317)]; Lydon, *Lordship*, pp. 228, 230 [2nd pp. 163-4].

¹⁶³ The document states that James was fostered with 'Okonghir Obreen' i.e. Conchobhar Ó Briain, the brother of Brian Sreamhach Ó Briain of Thomond (*RCH*, p. 139, no. 82; Nicholls, *Gaelic Ireland*, p. 163 [2nd p. 192]; Curtis, *A History of Medieval Ireland from 1086-1513* (London, 1938) p. 234).

¹⁶⁴ See Chap. 2, pp. 126-7.

¹⁶⁵ For example, Desmond had nothing to do with the submission of Brian Sreamhach to Richard II (Curtis, *Richard II*, p. 40. See Chap. 2, p. 138).

¹⁶⁶ T.J. Westropp, 'The Desmonds' Castle at Newcastle Oconyll, Co. Limerick', *JRSAI*, 19 (1909) p. 49; M.F. Cusack, *A History of the Kingdom of Kerry* (Dublin, 1995) pp. 115-17.

accused of sponsoring all of Brian's raiding in the region and twice placed him in legal difficulties. Gerald, on the other hand, brought about the only real instance of the Desmond Geraldines exercising lordship over a branch of the Uí Bhriain: his relocation of a branch of the Uí Bhriain onto his lands in Co. Waterford placed the Uí Bhriain of Comeragh under the family's direct lordship. Even this was not entirely by choice as they had been expelled by Brian Sreamhach. The relationship between the Desmond Geraldines and the Uí Bhriain can best be described in terms of personal connections and border disputes rather than permutations of lordship.

Uí Chonchobhair Ciarraige-Luachra

Little is known of the Uí Chonchobhair Ciarraige-Luachra (O'Connors of Kerry) in the fourteenth century and even less is known of their relationship with the Desmond Geraldines. Following the English invasion they retained only a small area of land in northern Kerry hemmed in by the fitz Maurices of Kerry to the south and west, the earl of Desmond to the east and the River Shannon to the north.¹⁶⁸ In spite of this, they seem to have maintained a semi-autonomous existence on the doorstep of Desmond's liberty.¹⁶⁹ There is little mention of them in the records and when there is, it is usually due to their involvement in conflicts with the earl. Nevertheless in 1345-46 the Uí Chonchobhair Ciarraige-Luachra were in Desmond's army and Desmond was accused of encouraging them to continue in rebellion after his defeat.¹⁷⁰ Unfortunately, this means little as one inquisition suggests an element of coercion on Desmond's part, and even the Mic Charthaigh Cairbre joined Desmond in 1345.¹⁷¹ There was also an Ó Conchobair holding land in Limerick in gavelkind from the Desmond Geraldines in 1298 but there is no indication of his familial relationship to the Uí Chonchobhair Ciarraige-Luachra.¹⁷² Because of the limited information available it is impossible to determine whether they were more often hostile or friendly to the earl.

¹⁶⁷ *A. Clon.*, pp. 319-20; *AU*, iii, pp. 40-1, n. 6. See Chap. 2, pp. 142-3.

¹⁶⁸ P.J. O'Connor, 'Medieval Regionalism in North County Kerry: Concepts and Criteria', *JKAHS*, 21 (1988) pp. 111-12.

¹⁶⁹ See map, p. 215.

¹⁷⁰ *Leg. Proc.*, pp. 21-2, 26-7.

¹⁷¹ *Leg. Proc.*, pp. 21, 39.

¹⁷² PRO E 101/233/6; *CDI*, 1293-1301, p. 260, no. 551. For gavelkind, see Chap. 3, p. 163.

Despite the precarious nature of their holdings, the natural defences of the region - it is hilly, wooded and boggy¹⁷³ - would have given them a fighting chance against any but the most determined of attackers. The Uí Chonchobhair Ciarraige-Luachra therefore could have existed at odds with the earls of Desmond throughout the bulk of this period and there is some evidence that this may have been the case. They were probably among those Irish who rebelled with the arrival of Edward Bruce in 1315 and they were certainly among those who revolted in 1317.¹⁷⁴ They were again at odds with Maurice fitz Thomas in 1325 when they helped the fitz Maurices of Kerry to kill Diarmait Óc Mac Carthaigh, the king of Desmond.¹⁷⁵ In 1339, Maurice fitz Nicholas of the fitz Maurices of Kerry died in prison after being incarcerated for joining with the Irish of Kerry against the earl of Desmond and the king.¹⁷⁶ It seems likely that the Irish whom Maurice had allied himself with were the Uí Chonchobhair Ciarraige-Luachra (there is even some evidence that this alliance was cemented with a marriage: Maurice fitz Nicholas was said to have married the daughter of the Ó Conchobhuir Ciarraige-Luachra).¹⁷⁷

This evidence suggests both a hostility to the earl of Desmond and a connection to the fitz Maurices of Kerry. The hostility between the fitz Maurices of Kerry and the main line Desmond Geraldines will be discussed below.¹⁷⁸ The close geographical proximity of the fitz Maurices and the Uí Chonchobhair Ciarraige-Luachra makes it likely that the two had come to some sort of accord. It is also possible that the two lineages found common ground in the need to preserve their autonomy/tenant-in-chief status and in a common enemy - the earl of Desmond - with the creation of the liberty of Kerry and the imposition of an immediate and resident lord. But it must also be noted that most of these incidents took place at times when Brian Bán and the earl were in conflict as well so the relationship between Desmond and the Uí Chonchobhair

¹⁷³ O'Connor, 'Medieval Regionalism', p. 112.

¹⁷⁴ Frame, *Ireland and Britain*, pp. 86-7; p. 86, n. 81.

¹⁷⁵ *AI*, 1320.2(= 1325); *Clyn*, p. 17.

¹⁷⁶ *St. Mary's Abbey*, ii, p. 382; *Grace*, p. 133; Nicholls, 'The fitzMaurices of Kerry', p. 33; Sayles, 'The rebellious first earl', p. 216; *CPR*, 1340-3, p. 93; *CCM*, v, p. 161. See Chap. 1, p. 70; Chap. 5, pp. 256-7.

¹⁷⁷ Nicholls, 'The fitzMaurices of Kerry', p. 33.

Ciarraige-Luachra might be something akin to the fragile personal relationship between Desmond and Brian Bán Ó Briain. The close proximity of the fitz Maurices and the Uí Chonchobhair Ciarraige-Luachra could just as easily have bred hostility as accord. The silence of the legal proceedings against Maurice fitz Thomas concerning the Uí Chonchobhair Ciarraige-Luachra prior to 1345 would seem to lend support to the theory of their hostility to Desmond, but it is difficult to say if jurors from Limerick, Cork, Tipperary, and Waterford would have recognised the Uí Chonchobhair Ciarraige-Luachra had they been among Desmond's troops or if they would have considered them important enough to mention.¹⁷⁹

There is no evidence for their relationship with Maurice fitz Maurice or Gerald fitz Maurice. In fact, the sources fall nearly silent. We learn only that they fell foul of their former allies, the fitz Maurices, in 1405¹⁸⁰ and of the Branachs, another Kerry Anglo-Irish family, in 1366.¹⁸¹ The annals tell us of only two other deaths: one in 1383 possibly of the plague¹⁸² and another incorrectly dated 1398 which is perhaps more interesting though outside the period of this thesis. *Mac Carthaigh's Book* states that in 1398 'Conchobhar Ó Conchobhair Ciarraighe was killed at Druim Ard in the house of Ó hÍomhair's son by Toirdhealbhach son of Tadhg Ó Conchobhair and the household kerns of Earl James'.¹⁸³ This event probably occurred around 1428,¹⁸⁴ a quarter century after the period under discussion, but is worth noting as yet another example of hostility between Desmond and the Uí Chonchobhair Ciarraige-Luachra.

As has been shown above, the evidence is too limited to draw firm conclusions about the relationship between the Desmond Geraldines and the Uí Chonchobhair

¹⁷⁸ See Chap. 1, p. 70; Chap. 5, pp. 256-7.

¹⁷⁹ They are mentioned by one Kerry jury and one Tipperary jury (Leg. Proc., pp. 21-2, 26-7).

¹⁸⁰ 'Diarmait son of Donnchad O Conchobair Ciarraige was killed by fitz Maurice of Kerry' (AC, 1405.8; AFM, iv, 1405).

¹⁸¹ 'Conchobar O Conchobair, king of Ciarraige Luachra was killed by the Branachs' (AC, 1366.5; AFM, iv, 1366).

¹⁸² AFM, iv, 1383.

¹⁸³ *Miscellaneous Irish Annals*, S. Ó hÍnnse (ed.) (Dublin, 2001) 1398.6; AFM, iv, 1396.

¹⁸⁴ The first entry under that year is the death of John fitz Gerald dating the entry to 1399 but, as the editor points out, the rest of the entry is not for that year. The death of Conchobhar Ó Conchobhair Ciarraighe (the sixth entry) must be after 1411 when James fitz Gerald seventh earl of Desmond came to power. The death of Tadhg Mac Carthaigh, king of Desmond (1391-1428) is mentioned in the fourth entry and so may indicate a 1428 date for the misdated items.

Ciarraige-Luachra. However, it seems likely that the relationship was generally hostile as the case against this hostility rests mainly on the interpretation of silence in the records.

The Uí Dhálaigh

The Desmond Geraldines' relationship with the Uí Dhálaigh (O'Daly) was of a very different nature. The Uí Dhálaigh were one of the great bardic families of medieval Ireland. One member of this family, Gofraidh Fionn Ó Dálaigh (d.1387), rose to prominence as one of the great bardic poets: later writers saw him as 'one of the greatest of his period' and Bergin has described him as 'Ireland's arch-professor of poetry'. Nor was his fame limited to the scholarly class - his poems were known and still being requested for the next two centuries and beyond.¹⁸⁵ Gofraidh Fionn wrote poems to numerous important Irish lords including a number of Mic Charthaigh, several Uí Bhriain, as well as Murchadh Ó Madadháin (d.1371), Conchobhar Ó Domhnaill (d.1342), Uilliam Ó Ceallaigh (d.1381), and Mac Eochagain (d.1392).¹⁸⁶ For a time, he was also the resident poet at the first earl of Desmond's court.¹⁸⁷ Two poems written to Gerald fitz Maurice and one poem written to Maurice fitz Maurice survive.¹⁸⁸ It is perhaps no wonder Gerald was drawn to writing poetry imitating the bardic style when one of the masters of the craft was resident in his father's household.

Gofraidh Fionn's poems tell us not just about the Desmond Geraldines, but also about their relationship with Gofraidh Fionn and bardic poets in general. One of the poems records an argument between Gofraidh Fionn and Maurice fitz Thomas which

¹⁸⁵ *Aithdioghluim Dána* (part i) L. McKenna (ed.) ITS, 37 (Dublin, 1939) p. xxxii; J. Carney, *The Irish Bardic Poet* (Dublin, 1967) p. 15; O. Bergin, 'Bardic poetry', *Journal of the Ivernian Society*, 5 (1912-13) pp. 161-2, 208.

¹⁸⁶ *Aithdioghluim Dána* (part i) McKenna (ed.) p. xxxii; Bergin, *Irish Bardic Poetry*, p. 70.

¹⁸⁷ Bergin, 'Bardic poetry', p. 208; 'Historical poems of Gofraidh Fionn Ó Dálaigh', L. McKenna (ed.) in *Irish Monthly* (Sept., 1919) p. 513.

¹⁸⁸ 'A Ghearoid deana mo dhail', McKenna (ed.) pp. 509-14; *Dioghluim Dána*, Mac Cionnaith (ed.) pp. 201-6; 'A poem by Gofraidh Fionn Ó Dálaigh', O. Bergin (ed.) in Quiggin (ed.) *Essays and Studies presented to William Ridgeway* (Cambridge, 1913) pp. 323-32; *Dioghluim Dána*, Mac Cionnaith (ed.) pp. 338-44, no. 101.

ended with Gofraidh Fionn storming out of Maurice's presence and then seeking, through Gerald, forgiveness and an invitation to return.¹⁸⁹ His description of his plight -

<i>Níor chleacht sinn siobhal oidhche</i>	I am not used to night-wandering
<i>ná imirt arm bhfaobhairthe;</i>	Or wielding fierce-edged arms;
<i>ní poinnidhe ar ngníomh le ga;</i>	Not wondrous in my sword play.
<i>coillidhe dhíom níor dhéanta.</i>	I should not be made an outlaw. ¹⁹⁰

- though clearly exaggerated, does display an eagerness to return to the earl's good graces no doubt because of the generosity of the earl's patronage. Maurice fitz Thomas's generosity to bards was stressed in another poem - the poem written to Maurice fitz Maurice.¹⁹¹ As the poem is urging Maurice to be equally generous, this must be taken with a grain of salt but the presence of one of the great poets of the age in Desmond's household does suggest there must be some truth in it.

The Uí Dhálaigh also may have played a military role in the first earl's retinue. In 1345, an Ó Dálaigh was present in Maurice fitz Thomas's military force and an incident in 1312 suggests this might not have been an isolated incident.¹⁹² Parker has proposed that the acquittal of Richard Ó Dálaigh by a Dungarvan jury in 1312 might suggest Maurice's influence in his favour suggesting this family may have been in the service of the Desmond Geraldines by the start of the fourteenth century if not before.¹⁹³ However, the Uí Dhálaigh were not a significant power in the region and this service would not have been on any great scale. It is rather the relationship between Gofraidh Fionn Ó Dálaigh and the first three earls of Desmond that is significant, yet it is not extraordinary. In less acculturated parts of eastern Ireland the presence of members of the Irish learned classes could be a source of friction;¹⁹⁴ but there is little evidence of such hostility in the west. The presence of a bard in an Anglo-Irish magnate's court was not unusual, nor does it highlight the Desmond Geraldines as being particularly 'gaelicised'. Rather it shows that they, like other prominent Anglo-Irish magnates such

¹⁸⁹ 'A Ghearoid deana mo dhail', McKenna (ed.) pp. 509-14.

¹⁹⁰ 'A Ghearoid deana mo dhail', McKenna (ed.) p. 510.

¹⁹¹ 'A poem by Gofraidh Fionn Ó Dálaigh', Bergin (ed.) pp. 327, 331.

¹⁹² Leg. Proc., p. 28.

¹⁹³ Parker, 'The internal Frontier', pp. 144-5; *CJRI, 1308-14*, p. 260; Butler, *Gleanings*, p. 63.

¹⁹⁴ Smith, 'The medieval border', p. 53; B. Smith, 'A county community in early fourteenth-century Ireland', *EHR*, 108 (1993) p. 582.

as the Burghs, Butlers, and Berminghams, were patrons to bardic poets and Irish musicians.¹⁹⁵

Other Irish lineages

The Desmond Geraldines would also have had connections with a number of other minor Irish lineages in Munster but little can be said about either the nature or importance of these relationships. There are records of a number of further Irish lineages either holding land from Maurice fitz Thomas or serving in his military force, but it is often difficult to identify exactly what lineage an individual is from. The first problem is the difficulty of puzzling out the Irish names from the Anglo-Irish clerk's spellings of them, but this is often the least of the historian's difficulties. The records include several individuals who initially appear to be from additional Irish lineages but may in fact be from minor branches of other lineages or may even be Anglo-Irish. One inquisition includes mention of a William Carrag' McBren in Maurice fitz Thomas's army but then reports apparently the same individual as Walter Carragh' Obren,¹⁹⁶ making it unclear if this individual is a Mac Breen of Aherlow or perhaps a relation of Brian Bán. Several Mac Gibbons also appear in these inquisitions,¹⁹⁷ but these were probably members of the fitz Gibbons, a cadet branch of the Geraldines in western Limerick, rather than any of the Irish families with similar names. The background of one additional individual is also in doubt: Gregorius McRyry.¹⁹⁸ Gregory mac Ruaidrí may have been of Irish descent, but he may also have been a Mac Ruaidrí (a gallowglass family).¹⁹⁹

A few Irish lineages that were absorbed into the Desmond Geraldine lordship can also be identified. In some instances, these Irish lineages retained their lands basically under their own system of partible inheritance. The inquisition *post mortem* of Thomas fitz Maurice reveals that the Uí Mhuircheartaigh (O'Moriarty) and the Uí Fhaoláin (O'Phelan) held land of the Desmond Geraldines in gavelkind in Co. Kerry.

¹⁹⁵ Simms, 'Bards and Barons', p. 180; Smith, *Colonisation and Conquest*, p. 117; B. Smith, 'The English in Uriel, 1170-1330', Ph.D. thesis (TCD, 1990) p. 103.

¹⁹⁶ Leg. Proc., p. 17.

¹⁹⁷ Leg. Proc., p. 26.

¹⁹⁸ Leg. Proc., p. 17.

Others, such as John Ó Flannagáin (O'Flanagan) and William Mac Gillemoy held land under English customs. John Ó Flannagáin rented land from Desmond in Waterford and William Mac Gillemoy was a free tenant in Dungarvan, Co. Waterford.²⁰⁰ The Uí Dhonnagáin (O'Donegan) were also said to be 'men and tenants of' Desmond.²⁰¹ These relationships fit into the traditional feudal mould and have been touched on in Chapter 3.

The legal proceedings against Maurice fitz Thomas mention numerous Irish serving in Desmond's military force, for the most part as kerne.²⁰² There is little available information concerning Maurice's relationship with these individuals and lineages aside from individual instances of supplying him with military service. Some of these men may have been fulfilling an obligation of military service to Maurice fitz Thomas as their lord: the Uí Shéaghdha (O'Shea), Uí Néill, Uí Chearnaigh (O'Kearney) and Uí Raithile (O'Rahilly) were based in regions of Munster that fell within Desmond's lordship. Most of the other Irish lineages were based in Kerry (5), Limerick (1), Cork (3), Waterford (1), Tipperary (1) or Clare (3) but outside Desmond's lordship. Some may have had a more formal relationship with the earl but others were probably seeking the spoils and patronage which came from serving a magnate or serving as mercenaries.

Conclusion

The Desmond Geraldines' relationships with the Mic Charthaigh and the Uí Bhriain, as well as the other Irish lineages in the region, were an important and integral part of their exercise of lordship. The significant military forces that the earls of Desmond were able to put into the field on various occasions consisted not only of their Anglo-Irish tenants but also their Irish tenants, vassals, and allies. Unfortunately, we have no figures concerning the size of the retinues supplied to Maurice fitz Thomas by named members of his retinue so it is impossible to make any estimate of what portion of his troops were Irish or Anglo-Irish. The Irish were also convenient allies when

¹⁹⁹ Parker, 'Politics and Society', p. 215.

²⁰⁰ *CDI, 1293-1301*, pp. 263, no. 551; PRO E 101/233/6. See Chap. 3, pp. 163-4.

²⁰¹ NAI KB 1/2, m. 17; Frame, *Ireland and Britain*, pp. 86-7.

Desmond turned his attention against the justiciar: some of those who joined him in 1345, such as the Mic Charthaigh Cairbre, were, no doubt, more interested in fighting against Ufford than for Desmond. These relationships also helped to maintain peace on the borders of Desmond's lordship as well as supplying a channel of communication when hostilities did occur. Therefore, these connections could be of great value to the local community and the crown as well – the Desmond Geraldines might be able to restore peace more quickly than a justiciar whom local Irish dynasties had no reason to trust. For example, his handling of the killing of Diarmait Óc Mac Carthaigh Mór in 1325, his rapid punishment of the fitz Maurices of Kerry for this murder, and his influence in the rapid succession of Cormac, Diarmait Óc's brother, quickly restabilised the situation and seem to have prevented retaliatory attacks. Maurice fitz Thomas was also able to restore peace with Clann Bhriain Ruaidh after the Bruce invasion (and possibly after later incidents as well) because of his relationship with Brian Bán Ó Briain.

These relationships were also profitable to the Irish, though perhaps not to the same extent. They received aid against internal opponents and protection from external opponents. Cormac Mac Carthaigh Mór's easy succession was aided by Maurice fitz Thomas and both had a common enemy in the Mic Charthaigh Cairbre. The Irish who formed alliances with the Desmond Geraldines could also call on them to lend them political and legal aid when necessary. For example, the crown would have taken no action against the fitz Maurices of Kerry for the murder of Dairmait Óc Mac Carthaigh,²⁰³ but Desmond applied swift justice to the murderers. The third earl's son also aided the submission of several Irish dynasties to Richard II in the 1390s.²⁰⁴ These relationships also presented a window of communication between an Irish chieftain and the Anglo-Irish community. Just as the earls of Desmond could use their connections with the Irish to restore peace, the Irish could use their connections with the earls of Desmond to communicate their interest in restoring peace. For the Irish living within

²⁰² See Appendix G, pp. 301-3 for a list of the Irish in Desmond's service in the 1320s and 1340s.

²⁰³ Such was the case in another, similar example in Louth (Smith, Brendan, *Colonisation and Conquest*, p. 87).

²⁰⁴ See Chap. 2, pp. 137-8.

the English lordship, their relationship with magnates could also supply them with better legal standing and better access to common law. Though evidence is lacking for the earldom of Desmond, the earl of Ormond allowed the Uí Cheinnéidigh to use his courts despite their exclusion from common law and crown courts.²⁰⁵ the crown might not have upheld these cases but the earl could enforce them on his vassals. Some of the trespasses alleged to have been committed by Maurice fitz Thomas and his men may be related to a similar practice in the lordship of Desmond.

These relationships could, however, be a source of trouble and friction within the lordship as well. Most importantly, the Irish were just as quick to exploit weakness in their Anglo-Irish allies/overlords/patrons as the Anglo-Irish were to exploit Irish weakness. A magnate family could not always count on the support of their Irish allies during minorities or forfeitures. Even the Mic Charthaigh Mór raided Kerry during the Bruce invasion. Magnate support for an Irish ally or vassal could also lead to animosity amongst his Anglo-Irish tenants and the surrounding community, and the Irish leaders were open to this same liability within their lands. This animosity could erupt into more serious difficulty as well. For instance, it was involvement in Gaelic Irish politics that caused some of the animosity between the Desmond Geraldines and the Burghs.

Regardless of the positive and negative results of these relationships they were unavoidable and absolutely necessary. The lordship of the earls of Desmond bordered on two of the remaining unconquered Irish kingdoms as well as the Uí Chonchobhair Ciarraige-Luachra enclave and the lordship itself contained a large number of Irish individuals and lineages.²⁰⁶ Methods had to be found to maintain peace, or a semblance thereof, within the lordship and on its borders. Furthermore, the crown expected magnates to control the Irish within and beyond their borders. The legal position of the Irish within the lordship and the incomplete nature of the English conquest made it almost impossible for these relationships to be any more uniform than the diversity of circumstances from which they resulted.

²⁰⁵ *COD*, i, p. 287, no. 682; *COD*, ii, p. 29, no. 46.

²⁰⁶ It is impossible to estimate the Irish population of the earldom of Desmond, but in 1298, lands worth one quarter of the total value of the lordship of the Desmond Geraldines were held directly of Thomas fitz Maurice by Irish individuals and families (See Chap. 3, table 3, p. 164).

Chapter 5

Retinue and Affinity

Ambition was the cornerstone of the earldom of Desmond. Much of the history of the earldom in the fourteenth century is the history of those ambitions. During their careers, the first and third earls sought to expand their landholdings and lordship throughout the southwest of Ireland. This ambition led to the feuds which dominated decades of the first and third earls' careers but it also led to the development of an extensive retinue whose members, as well as serving as the administrators of the lordship, also served as the earl's military force within Munster and occasionally beyond. The role of the earl's household and retinue as administrators has been discussed in Chapter 3 and the role of the Irish within Desmond's retinue has been discussed in Chapter 4. This chapter will attempt to assess the information available concerning the retinues of the earls of Desmond in the fourteenth century. Much of this information relates to the retinue of the first earl but some comment is also possible on the third earl's retinue. Unfortunately almost no information regarding the second earl's retinue has survived so little comment is possible.

Lewis has argued that the retinues of English magnates in the fourteenth century were made up of three categories of retainer: 'resident household attendants', 'men who [were] bound by written indenture to serve their lords for life in peace and war', and those who received an annuity from a lord and wore his badge and livery.¹ However, the first two groups often intermingle and there is often considerable overlap. In some cases many of the members of the household, including legal counsellors, surgeons, chaplains, falconers, cooks, minstrels, and heralds were retained through indentures of retinue as well.² Jones and Walker have given a slightly longer list of categories: indentured

¹ N.B. Lewis, 'The organisation of indentured retinues in fourteenth-century England', *TRHS* (4th series) 27 (1945) pp. 29-30.

² K.B. McFarlane, 'Bastard Feudalism', *BIHR*, 20 (1943-5) pp. 166-7; M. Jones and S. Walker, 'Private indentures for life service in peace and war, 1278-1476', *Camden Miscellany XXXII*, Camden (5th series) 3 (1994) p. 19.

retainers, those who owe service through tenurial links, annuitants, those in receipt of livery robes, those appointed to offices within the magnate's household or in the administration of the magnate's estates, and 'a larger, and less easily definable, body of "well-wishers"' ³ (or 'well-willers' ⁴) who fill out a magnate's military force when required but lack a permanent link to the magnate.

These ideas of retinue structure have dominated the discussion of fourteenth-century English retinues with the bulk of the secondary literature concentrating on households, indentures of retainer, the granting of livery and annuities and tenurial links. ⁵ However, these divisions are often indistinguishable within the Desmond Geraldines' retinue because of the scarcity of surviving evidence.

The evidence available concerning the retinues of the Desmond Geraldines is, by far, too slight to determine which of the Desmond Geraldines' retainers served in which category. The challenge is to determine who served in the earls' retinues rather than how they served. ⁶ Evidence for the use of livery (or, at least, its common use) in Ireland is so slight that it has prompted some to argue against its use, at least in the fourteenth-century English style - presenting retainers with cloths or cloth which identified them as their lord's man. The granting of 'one suite of apparrell [*sic*]' ⁷ annually is mentioned in the one surviving Desmond indenture (discussed below) and so might indicate the use of livery, but it is more likely to represent an earlier usage of the concept - the quality of the cloth or cloths presented to retainers showed their rank within the retinue or household rather than identifying which lord a man served. ⁸ Evidence for the use of annuities is equally scarce for the earls of Desmond, but its

³ Jones and Walker, 'Private indentures', p. 12.

⁴ S. Walker, *The Lancastrian Affinity, 1361-1399* (Oxford, 1990) p. 9.

⁵ C. Given-Wilson, *The English nobility in the Later Middle Ages* (London, 1987); C. Given-Wilson, 'The king and gentry in fourteenth-century England', *TRHS* (5th series) 37 (1987) pp. 87-102; A. Goodman, 'John of Gaunt', *TRHS* (5th series) 37 (1987) pp. 133-48; Jones and Walker, 'Private indentures', pp. 1-190; N.B. Lewis, 'Indentures of retinue with John of Gaunt, Duke of Lancaster, enrolled in chancery 1367-1399', *Camden Miscellany vol. XXII*, *Camden* (4th series) 1 (1964) pp. 77-112; Lewis, 'The organisation of indentured retinues', pp. 29-39; K.B. McFarlane, *The Nobility of Later Medieval England* (Oxford, 1973); McFarlane, 'Bastard Feudalism', pp. 161-80; C. Rawcliffe, *The Staffords, Earls of Stafford and Dukes of Buckingham, 1394-1521* (Cambridge, 1978); Walker, *The Lancastrian Affinity*; R.F. Frame, *Ireland and Britain 1170-1450* (London, 1998) pp. 191-220, 279-99; B. Smith, 'Tenure and locality in north Leinster in the early thirteenth century', Barry, Frame and Simms (eds) *Colony and Frontier in Medieval Ireland* (London, 1995) pp. 29-40.

⁶ See below, pp. 250-1.

⁷ K.W. Nicholls, 'Abstracts of Mandeville deeds, NLI MS 6136', *AH*, 32 (1985) pp. 18-19.

common use in Ireland would suggest its use in the earls of Desmond's retinues. More evidence survives concerning tenurial links.

The discussion of tenurial links in the fourteenth century usually concentrates on the decline of these links in England and Scotland. In Scotland the tenurial link was secondary to the personal link.⁹ The bond between a magnate and his vassal 'arose from the fact that he was a great magnate, and that their holdings lay within the geographical range of his influence'.¹⁰ This concept of lordship over men rather than over land reflected an earlier tradition,¹¹ something not unlike clientage, which resurfaced as tenurial duties faded.¹² In England in the fourteenth century tenurial links were in decline as well. Even early in the century, tenurial links have been said to project only a 'residual influence on the composition of many magnate affinities'¹³ - in military retinues tenants were being replaced by experienced soldiers.¹⁴ In border regions such as the north, where the collective threat of invasion solidified regional loyalties, magnates could no longer assume that their tenants' overriding loyalty would be to them.¹⁵ A similar situation is discernable in parts of eastern Ireland, such as Co. Louth.¹⁶ In part, this weakening of the tenurial links and growth of personal bonds was due to the increasing access gentry had to the king as well as the rise of alternative patrons in a region as royal favour shifted.¹⁷

However, Stringer's warning that 'we should not be misled into supposing that tenurial attachment had lost all force',¹⁸ rings in the ears when looking at Desmond's affinity. In southwest Munster, the factors which undermined tenurial links in England

⁸ F. Lachaud, 'Liveries of Robes in England', *EHR*, 111 (1996) pp. 280, 294-5, 298.

⁹ M. Brown, *The Black Douglasses: War and Lordship in Late Medieval Scotland, 1300-1455* (Guildford, 1998) p. 160; Wormald, *Lords and Men*, pp. 10-12; K.J. Stringer, *Earl David of Huntingdon, 1152-1219* (Edinburgh, 1985) pp. 163-5.

¹⁰ A. Duncan, *Scotland: The Making of the Kingdom* (Edinburgh, 1975) p. 407.

¹¹ The term 'manrent' is from the tenth-century term *mannraedan* (Wormald, *Lords and Men*, pp. 14-15).

¹² Brown, *The Black Douglasses*, p. 160.

¹³ Jones and Walker, 'Personal indentures', p. 12.

¹⁴ M.C. Prestwich, 'Miles in armis strenuus', *TRHS* (6th series) 5 (1995) p. 217.

¹⁵ A. King, 'War, politics and landed society in Northumberland, c.1296-c.1408', Ph.D. thesis (Durham, 2001) pp. 197-255.

¹⁶ B. Smith, 'Tenure and locality in north Leinster in the early thirteenth century', Barry, Frame and Simms (eds) *Colony and Frontier in Medieval Ireland* (London, 1995) pp. 29-40.

¹⁷ King, 'Northumberland', pp. 197-234; M. Cherry, 'The Courtenay earls of Devon', *Southern History*, 1 (1979) pp. 71-97; Walker, *The Lancastrian Affinity*, pp. 127-41, 163, 169-81; Smith, 'Tenure and locality', pp. 29-40.

¹⁸ Stringer, *Earl David of Huntingdon*, pp. 164-5.

and Louth were not nearly so strong. Royal contact with the region, even through the king's ministers in Ireland, was in decline during the fourteenth century and by 1329, Maurice fitz Thomas had established himself as the premier magnate in southwest Munster: neither the crown nor a second magnate were poised to poach his retainers. The substantial landholdings of the Desmond Geraldines placed them in a much higher league than most of the lesser lords in Waterford, Cork, Limerick and Kerry who could boast of landholdings of a few manors or less. Even the le Poers were dependent on the cooperation of numerous cadet branches of their lineage to maintain their position of influence. The only threat came from the earls of Ormond, who later gained a substantial power block in Waterford through the growth of personal connections rather than landholding.¹⁹ It is therefore not surprising to find Desmond's tenants continuing to play a strong role in his military force even against the justiciar. This apparent continuation of tenurial links does seem to have its limits - few of the top men in Maurice fitz Thomas's affinity (his lineage excepted) can be shown to have been his tenants and, as was just mentioned, the Desmond supremacy in Waterford was later undermined through personal rather than tenurial links - but it does suggest that historians should exercise caution and not assume that the formation of retinues and affinities in Ireland followed fourteenth-century English practices. It is also difficult to do more than speculate about the importance of tenurial links in Maurice fitz Thomas's retinue because of the difficulty in determining whether a given individual actually held land of the earl or was a landless sibling or from a cadet branch.²⁰

The final category, those retained via indentures, is almost wholly obscure in the Desmond retinue owing to a lack of surviving indentures. Overall, the survival of indentures of retinue in Ireland is limited.²¹ It is a good indication of the scarcity of these documents that Parker found only three surviving indentures relating to Waterford

¹⁹ This was done largely through recruiting the fragments of the le Poer affinity when it collapsed at the end of the 1320s (see Chap. 1, p. 50; Chap. 2, p. 129).

²⁰ A thorough study of the gentry families of southwest Ireland might help to determine if there was a significant anomaly in Desmond in terms of the decline of tenurial links in the fourteenth century.

²¹ A small collection of indentures of retinue do survive for Ireland, particularly in surviving collections of familial documents such as the *Calendar of Ormond Deeds* and *The Red book of Kildare*. Some have also been printed in Jones and Walker, 'Private indentures', though Jones and Walker have included only those indentures which survive in the original. See below, p. 249, n. 29 for a partial list of such survivals.

for the fourteenth century.²² This almost complete dearth of surviving indentures makes the level of analysis common in discussions of English retinues impossible when discussing the retinues of the first three earls of Desmond. Only one indenture related to the earls of Desmond in the fourteenth century survives - an indenture between Maurice fitz Thomas and Thomas Mandeville.²³

The basic relationship between a lord and his indentured retainers is a well-ploughed furrow.²⁴ However, it is worth considering the standard form of indentures of retinue before turning briefly to the single surviving Desmond example. Indentures of retinue usually consist of five parts:

- i. an introduction...; ii. a clause or clauses setting out the terms of the retainer's service in both peace and war; iii. a clause or clauses detailing the rewards to be granted in return for the faithful performance of this service; iv. a penalty clause...; v. a validating clause.²⁵

The introduction usually consists of a single sentence 'announcing the fact of an agreement for service between the two parties named'.²⁶ The terms of service vary greatly but usually the retainer is required to give military service within a certain area at his own expense but beyond that region at his lord's expense and the retainer can be called upon to attend his lord at his court or when he is in the retainer's home region. The third clause enumerates what the retainer will receive for fulfilling these terms of service. This reward is often in the form of a cash annuity but there are a number of other possibilities including payment in kind or a mixture of cash and kind or even the grant of a household or estate management position. The fourth clause sets out 'the remedies available in the case of the failure of one party or the other to fulfil the foregoing conditions'.²⁷ And the final clause, the 'validating clause' concerns the

²² C. Parker, 'The Politics and society of County Waterford in the thirteenth and fourteenth centuries', Ph.D. Thesis (TCD, 1992) pp. 226-30.

²³ Nicholls, 'Mandeville deeds', pp. 18-19; Parker, 'Politics and society', pp. 100, 226-8, 232. See below, pp. 249-51.

²⁴ See above, p. 245, n. 5.

²⁵ Jones and Walker, 'Private indentures', p. 17. For a fairly standard example in the Irish context see the indenture of retinue between James Butler, earl of Ormond and Oliver Howell (Jones and Walker, 'Private indentures', pp. 75-6, no. 43; *COD*, ii, pp. 19-20, no. 33).

²⁶ Jones and Walker, 'Private indentures', p. 17.

²⁷ Jones and Walker, 'Private indentures', p. 17.

sealing of the indenture. The usual form was for each party to receive half of the chirograph sealed by the other party.²⁸

Most of the surviving indentures of retinue for Ireland tend to follow the English model though there are two points at which Anglo-Irish indentures tend to vary.²⁹ First, though a number of reward arrangements are represented in the Anglo-Irish indentures of retinue, a considerable number of them consist of a single lump sum being paid over several years rather than an annual fee being paid to the retainer for life.³⁰ Anglo-Irish retainers also seem to have been more willing to grant lands or annuities to a prospective lord in return for 'a grant of the status of a *familiaris* and *fidelis*',³¹ but even this is far from a wholly Anglo-Irish innovation.³² In Ireland, at least, this was probably due to the attraction not just of patronage but of having the support and protection of a magnate against the numerous threats which faced the nobles and gentry of medieval Ireland: legal attacks, private warfare and raiding by both Gaelic and Anglo-Irish neighbours. Like these Anglo-Irish indentures of retinue, the single Desmond indenture of retinue in existence, which survives only in a late sixteenth century translation, follows the basic pattern set out by Jones and Walker. Most of the clauses deviate markedly from the common English form but only in one instance is this deviation seemingly novel.³³

The surviving Desmond indenture of retinue begins by announcing that Maurice fitz Thomas, earl of Desmond and Thomas Mandeville have come to an agreement and contains clauses setting out terms of service and reward as well as a validating clause. However, these clauses differ from the norm. Maurice fitz Thomas, in place of an

²⁸ Lewis, 'The organisation of indentured retainers', pp. 29-39; Jones and Walker, 'Private indentures', pp. 9-33.

²⁹ Jones and Walker, 'Private indentures', pp. 44-6, no. 12; pp. 163-4, no. 133; Nicholls, 'Mandeville deeds', pp. 18-19; *The Red book of the Earls of Kildare*, G. Mac Niocaill (ed.) (Dublin, 1964) p. 21, no. 11; pp. 21-2, no. 12; p. 22, no. 13; pp. 22-3, no. 14; p. 23, no. 15; p. 70, no. 76 [see Jones and Walker, 'Private indentures', pp. 42-3, no. 10]; *COD*, ii, pp. 19-20, no. 33; pp. 23-4, no. 37; p. 26, no. 39; p. 184, no. 247; pp. 231-2, no. 323; *COD*, iii, pp. 167-8, no. 177 [see Jones and Walker, 'Private indentures', pp. 74-5, no. 43; pp. 76-7, no. 44; p. 77, no. 45; pp. 98-9, no. 68; pp. 90-1, no. 90; pp. 159-60, no. 129].

³⁰ Jones and Walker, 'Private indentures', p. 24; pp. 43-4, no. 11; pp. 75-6, no. 43, pp. 76-7, no. 44, p. 77, no. 45.

³¹ Jones and Walker, 'Private indentures', p. 14; Nicholls, 'Mandeville deeds', pp. 18-19; *The Red book of the Earls of Kildare*, Mac Niocaill (ed.) p. 21, no. 11; pp. 21-2, no. 12; p. 22, no. 13; pp. 22-3, no. 14; p. 23, no. 15.

³² Jones and Walker, 'Private indentures', p. 14; p. 14, n. 17.

³³ Nicholls, 'Mandeville deeds', p. 19.

annual cash fee, was 'to deliver unto him [Thomas Mandeville] a serviceable horse together with a serviceable saddle and bridle fitt for the warres' as well as 'one suite of apparrell' and 'one winter suite'.³⁴ Parker rather enigmatically describes the war horse as 'being of more use to both parties than a cash payment' while emphatically stressing the point that Waterford was no less 'integrated into the money economy' than the rest of the lordship of Ireland.³⁵ Although examples exist of warhorses costing £20³⁶ (£20 was the standard annual fee granted to knights³⁷) they could be obtained for as little as five marks or less in England.³⁸ It is therefore probable that this fee was both considerably less costly for Desmond and insured that his retainer would be mounted. Certainly the mobility of a portion of fitz Thomas's military force was one of strategic advantage to him,³⁹ necessary for any response to be made against border raids.⁴⁰ This was, however, not uncommon. Jones and Walker cite further instances where the yearly fee was entirely paid in kind,⁴¹ as well as one example where a retainer with a cash annuity of 100 shillings requested that he receive two robes and a saddle instead.⁴² The validating clause is also unusual in that the archbishop of Cashel and his archdeacon put their seals to both copies of the indenture in addition to Maurice fitz Thomas and Thomas Mandeville sealing each other's copy. The indenture also includes the grant of land, but this was far from the traditional, 'feudal' relationship such a grant first suggests to a historian. The land, the manor of Kilnameghin, was granted by Thomas Mandeville to Maurice fitz Thomas for life with remainder to Thomas fitz John - the vassal granted land to his lord rather than receiving land for service. This, however, was not unusual as Jones and Walker have shown.⁴³

³⁴ Nicholls, 'Mandeville deeds', p. 19.

³⁵ Parker, 'Politics and society', pp. 231-2.

³⁶ A. Ayton, *Knights and Warhorses: military service and the English Aristocracy under Edward III* (Woodbridge, 1999) p. 42.

³⁷ Jones and Walker, 'Private indentures', p. 25. For example, £20 was the annual fee granted to Geoffrey le Poer by the earl of Ormond in their 1356 indenture (*COD*, ii, p. 26, no. 39).

³⁸ Ayton, *Knights and Warhorses*, p. 44. See Ayton, *Knights and Warhorses*, pp. 41-5 and Prestwich, 'Miles', pp. 209-12 for a general idea of the value of warhorses in fourteenth-century England.

³⁹ Parker, 'Politics and society', p. 217.

⁴⁰ Leg. Proc., p. 8; G.O. Sayles, 'The rebellious first earl', Watt, Morrall, and Martin (eds) *Medieval Studies*, p. 205.

⁴¹ Jones and Walker, 'Private indentures', pp. 46-7, no. 13; pp. 53-4, no. 19; pp. 54-5, no. 21; pp. 61-2, no. 28.

⁴² Jones and Walker, 'Private indentures', p. 24, n. 72.

⁴³ Jones and Walker, 'Private indentures', p. 14.

Nevertheless, the Mandeville indenture does contain one very unusual, possibly unique, clause: Thomas Mandeville's prime loyalty was pledged not to Maurice fitz Thomas himself but to his nephew, Thomas fitz John. It seems likely that this indenture was part of Maurice fitz Thomas's efforts to place his nephew in a position of authority in Waterford.⁴⁴

Though the evidence concerning the Desmond Geraldine affinity is very limited, it is not completely lacking. Useful references survive in nearly every class of document. But, again, the main source for information is the legal proceedings against the first earl of Desmond. The inquisitions taken against Maurice fitz Thomas in the 1330s and 1340s tell us a great deal about the composition of his forces during these two periods of upheaval. What seems, at first, to be a stroke of luck (lists of Desmond's adherents) actually creates further problems. For instance, how can one tell which of these men were loyal retainers and which were mercenaries and extra troops gathered for the conflicts in which they fought? It is also possible that some were just local brigands said to be in Desmond's service. The legal proceedings against the first earl of Desmond give the historian a long list of names but only with comparisons between the lists for the 1320s and the 1340s and, more importantly, with other source material can any coherent picture of Maurice fitz Thomas's retinue be constructed. Even then, the picture is limited almost entirely to the military element of that retinue. In as far as it can be reconstructed, the retinue is consistent with expectations. Many of the individuals named are precisely those one would expect to find seeking the patronage of magnates: landless younger sons and cadet branches of local gentry families (particularly those alienated from the main line).

The period from 1346 to 1351 also saw a large number of men from Cork, Limerick, Waterford and Tipperary paying fines to return to the king's peace.⁴⁵ Unfortunately, these lists rarely overlap with the information found in the inquisitions against Desmond. In the absence of overlap and considering accusations against

⁴⁴ See below, pp. 253-4; Parker, 'Politics and society', pp. 99-100.

⁴⁵ PRO E 101/241/14, 17-18, 20; E 101/242/1, 12; E 101/243/1-2; NLI GO MS 191, pp. 295-312.

Desmond that he coerced allegiance from local landholders,⁴⁶ it would be dangerous to assume all these individuals were actually adherents of the earl. In a climate where Maurice fitz Thomas's mainpernors from 1333 were being disseised despite active service with the justiciar against Maurice in the 1340s and where simple failure to join the justiciar's army resulted in heavy fines to have the king's peace, the assumption that all those paying fines were involved in Maurice fitz Thomas's activities is untenable.⁴⁷ Equally, others may have been seeking the king's peace for entirely unrelated events. (There are, after all, a number of clearly unrelated pardons throughout the rest of Ireland as well.) As a result of these concerns, only those for whom further signs of corroboration survive will be discussed below.

In light of the scarcity of evidence for the make-up of Desmond's household, indentured retinue, and his annuitants, some other basis for discussion of his affinity is necessary. Parker has put forward a structure similar to that of Lewis and Jones and Walker but Parker's structure is more loosely defined as it is derived from the limited information regarding the retinues active in Waterford in the thirteenth and fourteenth centuries. Though his terminology is suspect, Parker's structure works well with the incomplete evidence for the retinues of the earls of Desmond (in part, because the retinues of the Desmond Geraldines were integral to his discussion). In his work on Waterford, Parker has divided the structure of magnate retinues into four categories: the *parentela*, the *familia*, the *satellites* and the *adherents*.⁴⁸ This structure is a useful tool for examining the retinues of Anglo-Irish barons and magnates but it must be stressed that it (like any such construct) oversimplifies the complex, and fluid, structure of a noble's retinue.⁴⁹ Also, the terms Parker applies are not consistently used even within the legal proceedings against the first earl of Desmond; therefore, in the following discussion, I have adopted his categories but not his terminology.

The *parentela* could more clearly be labelled as 'the lineage' - the extended family of the magnate. The *familia* were the trusted members of the retinue, the

⁴⁶ Leg. Proc., p. 11; Sayles, 'The rebellious first earl', p. 213.

⁴⁷ R.F. Frame, 'The justiciarship of Ralph Ufford', *SH*, 13 (1973) pp. 33-4. See Chap. 1, p. 84-5.

⁴⁸ Parker, 'Politics and society', pp. 195-6.

councillors and advisors and retainers for life. This category includes the earl's household but also some of those men who fit into his retinue in the other ways put forward by Jones and Walker. The emphasis here is not upon *how* they were connected to the retinue but the longevity and loyalty they showed in the service of the Desmond Geraldines.⁵⁰ The *satellites* (Parker also refers to this category as *sequela*) made up the bulk of the military force of a retinue. This included those who owed service to Desmond for their lands but had no special relationship with the earl as well as the more transient members of Desmond's force collected for individual campaigns or for the duration of feuds.⁵¹ Parker's fourth group, the *adherents*, could more aptly be called allies. This group, rather than being a fourth type of individual within the retinue, consists of those gentry and magnate who, as retainers or allies, brought with them a substantial retinue of their own, complete with their own lineage, household and kern.⁵²

Maurice fitz Thomas's retinue

In the case of Maurice fitz Thomas, the Desmond Geraldine lineage did form an important part of his retinue, but not all of his lineage was reliant on him for patronage and so there were some who had less reason to accept his lordship. The most prominent member of Desmond's lineage within his retinue was Thomas fitz John, his nephew. He was a member of Desmond's council in the 1340s and prior to the birth of his own sons, Maurice fitz Thomas acknowledged Thomas fitz John as his heir.⁵³ Following the birth of Maurice fitz Thomas's son, it would seem that he compensated his nephew with lands and perhaps some authority in Waterford though the evidence is limited to three documents which give circumstantial support to the idea.⁵⁴ The first document is the indenture between Maurice fitz Thomas and Thomas Mandeville, which places Mandeville in Thomas fitz John's service.⁵⁵ The other two documents seem to show royal acceptance of this extra tier of authority. The second document is a writ from

⁴⁹ McFarlane, 'Bastard Feudalism', pp. 166-70.

⁵⁰ Parker, 'Politics and society', pp. 195-6.

⁵¹ Parker, 'Politics and society', p. 212.

⁵² Parker, 'Politics and society', pp. 221-2.

⁵³ Leg. Proc. pp. 29-31, 35-7; Sayles, 'The rebellious first earl', pp. 217-8.

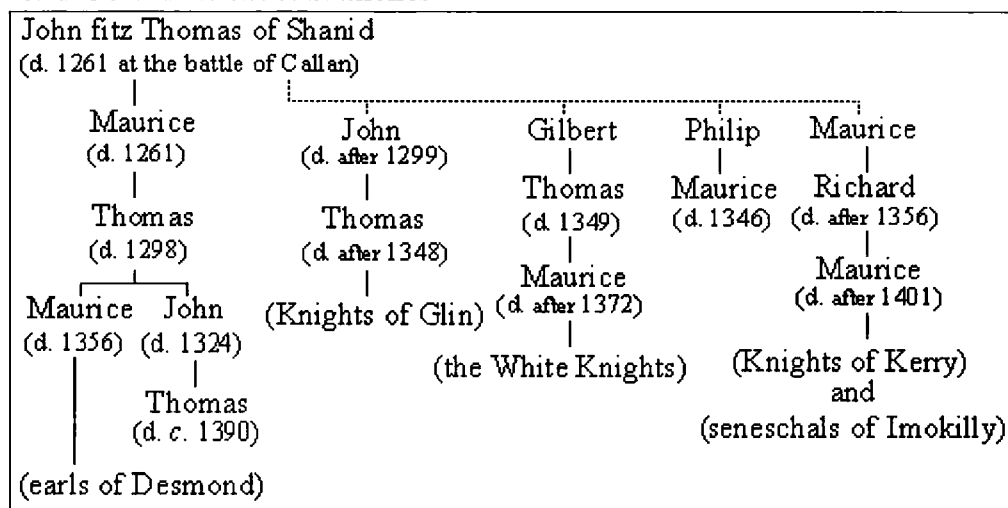
⁵⁴ Parker, 'Politics and society', pp. 99-100.

⁵⁵ Nicholls, 'Mandeville Deeds', pp. 18-19. See above, p. 249-51.

1359 in which both Gerald fitz Maurice, third earl of Desmond and Thomas fitz John were ordered to intervene to restore order between the Mandevilles and the le Poers in Waterford.⁵⁶ The third document is a writ ordering Gerald fitz Maurice and Thomas fitz John to hand over four criminals to the mayor and bailiffs of Waterford town.⁵⁷ It seems likely that Maurice fitz Thomas was insuring that his former heir-presumptive, councillor and favourite had both lands and men to support him. Any authority invested in Thomas fitz John was, however, for his lifetime only; his descendants, the MacThomases of Waterford, held no special place in the earldom of Desmond. Waterford would have to wait another century before the establishment of a powerful cadet branch there.⁵⁸

Several other Geraldine cadet branches, all descended from sons (possibly illegitimate) of Maurice fitz Thomas's great grandfather, John fitz Thomas of Shanid (d.1261 at the battle of Callan), also figure prominently in Maurice fitz Thomas's retinue. These were the ancestors of the fifteenth-century Knights of Glin, White Knights, Knights of Kerry, and seneschals of Imokilly.

Desmond Geraldine cadet branches⁵⁹



⁵⁶ *RCH*, p. 80, no. 135.

⁵⁷ *CCR*, 1374-7, p. 304.

⁵⁸ Parker's somewhat confusing statements concerning the MacThomases and the Lords of Decies are probably an attempt to combine Nicholls's published views on the origins of these families (Nicholls, *Gaelic Ireland*, p. 163 [2nd p. 192]; *NHI*, ix, p. 168) and the garbled summary, published in *Decies*, of a paper presented by Nicholls (K.W. Nicholls, 'The Geraldines of Decies (summary of lecture delivered to OWS [Old Waterford society] on 28th October 1977)', *Decies*, 7 (1978) pp. 22-3). The summary was not written by Nicholls and contains several errors.

⁵⁹ *NHI*, ix, p. 168. See Chap. 1, pp. 73-4.

The Thomas fitz John who seized Bunratty for Desmond in 1325 was probably Thomas fitz John of Glincarbry (ancestor of the Knights of Glin) rather than Maurice's nephew who must have been quite young at the time.⁶⁰ Maurice fitz Thomas appointed him as his deputy chief serjeant in Limerick in the late 1330s⁶¹ and he was again present in Desmond's army in 1345.⁶² The John fitz John and Gilbert fitz John who joined him in 1325 were probably his brothers.⁶³ John fitz John also served as one of Maurice's deputy chief serjeants - he held the post in Cork in the early 1350s.⁶⁴ Thomas fitz Gilbert (ancestor of the White Knights) and Maurice fitz Philip (also a grandson of John fitz Thomas (d.1261)) both figure significantly in Maurice fitz Thomas's activities in the 1320s and 1330s and his 1345 rebellion.⁶⁵ Both also served as councillors at least during the 1320s.⁶⁶ Richard fitz Maurice (ancestor of the Knights of Kerry and the seneschals of Imokilly) also served Desmond during both periods⁶⁷ and may have received his appointment as sheriff of Kerry during the late 1320s through Maurice fitz Thomas's efforts. Maurice certainly lent him aid when he was called on to account for his time in office.⁶⁸ John fitz Maurice, possibly Richard's brother, was serving as the sheriff of Limerick at the same time and received similar aid.⁶⁹ There are numerous other individuals listed in the legal proceedings against Maurice fitz Thomas who lack surnames and so may be Geraldines and several may be younger brothers from the cadet branches mentioned above,⁷⁰ but, as Nicholls has shown, this can not be assumed without further evidence.⁷¹

⁶⁰ Leg. Proc., 8; Sayles, 'The rebellious first earl', p. 205; *NHI*, ix, p. 168. Thomas, Maurice fitz Thomas's nephew, died after 1390 and is therefore unlikely to have been militarily active sixty-five years earlier.

⁶¹ NAI RC 8/21, p. 71.

⁶² Leg. Proc., pp. 26-7.

⁶³ Leg. Proc., p. 8.

⁶⁴ NAI RC 8/26, pp. 368, 534-5.

⁶⁵ Leg. Proc., pp. 6-7, 17-18, 26-7, 39-40; *NHI*, ix, p. 168.

⁶⁶ Leg. Proc., p. 17.

⁶⁷ Leg. Proc., pp. 6-7, 26-7; *NHI*, ix, p. 168.

⁶⁸ NAI RC 8/15, p. 423.

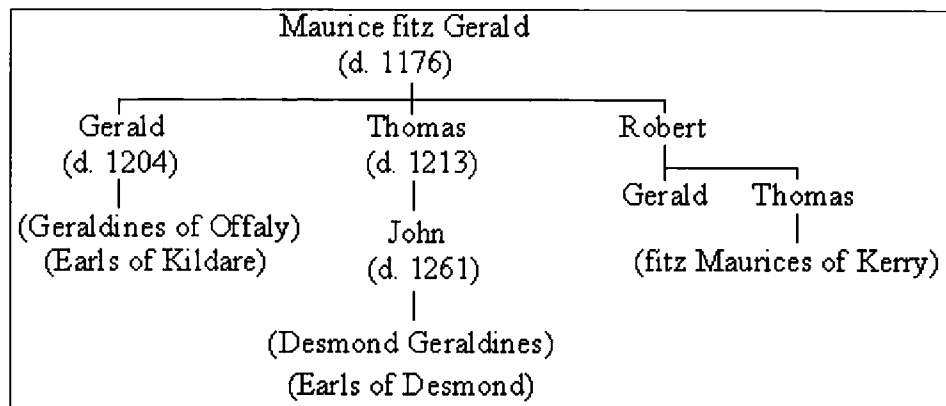
⁶⁹ NAI RC 8/15, pp. 411-12.

⁷⁰ Leg. Proc., pp. 6-10, 14-15, 18, 25-8, 39-40. For example, John, Nicholas and Thomas fitz Maurice; John, Maurice, and Henry fitz David; John fitz Simon; William fitz Gerald; Adam fitz Gerald Don; Norman fitz Thomas; John son of Alexander fitz Gerald; Peter fitz Adam.

⁷¹ Nicholls cites examples of incorrect nomenclature and missing surnames in 'The fitzMaurices of Kerry', pp. 23-42. In particular, see p. 32.

However, it cannot be assumed that all the Geraldines in Desmond supported Maurice fitz Thomas and his heirs. There is one prominent branch of the Geraldines in Kerry who were at odds with the earls of Desmond for most of the middle ages but they were also the most removed of the Geraldine branches in Desmond. The split dates to the twelfth century: the fitz Maurices of Kerry were no more closely related to the Desmond Geraldines than to the Offaly Geraldines.

The Geraldines⁷²



The fitz Maurices of Kerry had substantial holdings in the cantreds of Altry and Othorna and Oflannan and held the title lords of Kerry. They seem to have seen little need to court the favour of Maurice fitz Thomas. They repeatedly came into conflict with him no doubt because his attempts to increase his lordship were directed at them as well as the landholders of Cork and Waterford. The situation was made worse in 1329 when Maurice fitz Thomas was granted the liberty of Kerry. A marriage alliance between the two families not long after Maurice received the liberty also failed to bring an end to the dispute. The tendency of the fitz Maurices of Kerry to marry Desmond's Irish enemies in the fourteenth century probably also did nothing to end the dispute: the fitz Maurices of Kerry were said to have had marriage alliances with both the Uí Chonchobair Ciarraige-Luachra and the Uí Bhriain.⁷³ Despite claims that no formal indentures were needed between a lord and his lineage,⁷⁴ in this instance such deeds were necessary, though the earliest survival is 1421.⁷⁵ The fitz Maurices even claimed

⁷² Nicholls, 'The fitzMaurices of Kerry', p. 28.

⁷³ Nicholls, 'The fitzMaurices of Kerry', pp. 33-4.

⁷⁴ Parker, 'Politics and society', p. 226.

⁷⁵ Nicholls, 'The fitzMaurices of Kerry', pp. 38-40.

that their lands were not part of the liberty of Kerry.⁷⁶ Notwithstanding a possible respite to tensions during the career of John fitz Nicholas, lord of Kerry (c.1339-75),⁷⁷ and the family's eventual position as the hereditary marshals to the earl, the relationship between the two lineages did not improve. In 1615, when the fitz Maurices' claim to the title lord of Kerry was being questioned, mention was made of 'the earl [of Desmond]'s ancient malice towards that house' stating that 'he [the earl of Desmond] would as well deprive the Lord of Kierry [*sic*] of his territory as honours, as he continually attempted and practised'.⁷⁸ An example of this malice was also cited: the death by starvation of Maurice fitz Nicholas in 1339.⁷⁹ But even this branch of the Geraldines joined Desmond's 1345 rebellion. John fitz Nicholas, lord of Kerry was said to be part of Desmond's 1344 'conspiracy' and fought with Desmond against the justiciar.⁸⁰ Three sons of Brandon fitz Maurice were also in Desmond's retinue in 1345.⁸¹ Though Nicholls states that it is unclear if Brandon fitz Maurice was a fitz Maurice of Kerry or a brother of Richard fitz Maurice,⁸² it seems likely that he was a fitz Maurice of Kerry as he served as John fitz Maurice's hostage following John's participation in the first earl's 1345 rebellion.⁸³

The long-serving, nearly permanent members of Desmond's retinue are more difficult to identify. As the bulk of the information which survives concerning Maurice fitz Thomas's retinue relates to periods of active warfare, it is sometimes difficult to distinguish between long-term members of his retinue and additional troops recruited for more active periods. One method of identifying the long-term members of Desmond's retinue is to identify those who held offices and positions on his council. Robert son of Mathew Cauntoun⁸⁴ was on Desmond's council in the 1320s and rode with

⁷⁶ Nicholls, *Gaelic Ireland*, p. 163 [2nd p. 194].

⁷⁷ This respite was perhaps the result of Desmond's marriage to his sister, Aveline, or it may have been the result of knowing too well what the results of standing against the earl were: one of his brothers had been starved to death in 1339 by Desmond for adherence to the Irish and another blinded for his role in the death of the Mac Carthaigh Mór in 1325.

⁷⁸ *CCM*, vi, p. 318.

⁷⁹ *CCM*, vi, p. 319.

⁸⁰ *Leg. Proc.*, pp. 26-7, 37.

⁸¹ *Leg. Proc.*, pp. 23, 25.

⁸² Nicholls, 'The fitzMaurices of Kerry', p. 31.

⁸³ NLI GO MS 191, pp. 305-6.

⁸⁴ Also written Caunteton (earlier) and Condon (later).

Maurice on a number of his raids against the le Poers and Burghs.⁸⁵ This Robert Cauntton was neither a member of the senior line of the Caunttons nor was he a senior member of the cadet branch of the Caunttons who held land in Kerry. Coming from a minor branch of the family, service with an ambitious and powerful lord would have been his best chance for success. However, he seems to have left the earl's service following his arrest in 1331. After his restoration, Maurice fitz Thomas had to pursue Robert in the courts to force him to account for the money he received in the earl's name just prior to Maurice's arrest.⁸⁶ There were Caunttons serving in Desmond's army in 1345, but they do not seem to be connected with Robert and will be discussed below.

Another member of Desmond's council was William Cogan. William was known to be a member of Desmond's council in 1339.⁸⁷ He does not appear in the earl of Desmond's army in the 1320s or 1340s, but this is most likely due to his status as a clerk.⁸⁸ His family was represented by Thomas Cogan, junior and senior, both of whom do appear in the legal proceedings against Desmond.⁸⁹ Despite the lack of evidence for his active participation in the 1340s, William Cogan still found it necessary to pay a fine for the king's peace in 1347.⁹⁰

Another member of Desmond's council in the 1340s and a long standing member of his administration, with experience in the liberty of Kerry as well as the lordship, was John Coterell. He was said to be a member of Desmond's council in 1343,⁹¹ but he probably had been for some time before then. John Coterell's career in Maurice fitz Thomas's service prior to 1329 is obscure, but it seems likely he was Desmond's seneschal of the lordship or occupied some equally prominent office as Desmond appointed him as the first seneschal of the liberty of Kerry.⁹² In 1338, he audited the manorial accounts of at least the manor of Dungarvan if not a wider portion

⁸⁵ Leg. Proc., pp. 6-8, 10-11, 16-17; Sayles, 'The rebellious first earl', p. 211.

⁸⁶ NAI RC 8/19, pp. 27-8, 192, 194, 219; RC 8/20, p. 101

⁸⁷ *The Pipe Roll of Cloyne*, p. 198.

⁸⁸ He was described as 'Master William Cogan' in Maurice fitz Maurice's proof of age (*CIPM*, x, p. 325, no. 397) and he was called both Master William Cogan and William Cogan, clerk when he paid his fine for peace in 1347 (PRO E 101/241/14).

⁸⁹ Leg. Proc., pp. 25-8, 36-7.

⁹⁰ PRO E 101/241/14, 17-18, 20; PRO E 101/243/1-2.

⁹¹ Leg. Proc., p. 35; Sayles, 'The rebellious first earl', p. 217.

⁹² See Appendix F, p. 300.

of Desmond's lordship.⁹³ During the 1340s he took part in Desmond's seizure of Inchiquin and his rebellion.⁹⁴ In 1345 he was said to be Desmond's seneschal (probably of the household) when he was executed after the fall of Castleisland to the justiciar.⁹⁵

Walter Mandeville was also said to be on Maurice fitz Thomas's council in 1343,⁹⁶ but he was certainly active in Desmond's service long before that. The introduction of the family (otherwise based in Ulster) to Waterford was no doubt connected to Burgh's landholdings there. Most likely Walter Mandeville had been granted lands, or possibly manorial offices, in Waterford by the Burghs. The Mandevilles' connection to Desmond probably resulted from Burgh's grant of land in Waterford to Maurice fitz Thomas in 1323; Walter's presence as a witnesses to this charter suggests he may have been one of Maurice's new tenants.⁹⁷ He was also present at the baptism of Maurice's first son in 1336.⁹⁸ He was prominent in Desmond's retinue throughout the 1340s and gained lands and probably offices through his service to the earl.⁹⁹ He was also singled out as one of two men who, along with Maurice fitz Thomas, were excluded from receiving the king's peace following the failure of Desmond's rebellion in the 1340s.¹⁰⁰ He did, however, work his way back into the king's peace through service with Edward III at Calais.¹⁰¹ Parker's description of him as Desmond's 'creature'¹⁰² is clearly born out by the evidence. Walter Mandeville's son, Thomas Mandeville, was also active in Desmond's retinue and seemingly on his council in the

⁹³ A.F. O'Brien, 'The development and evolution of the medieval borough and port of Dungarvan, County Waterford, c.1200 to c.1530', *JCHAS*, 92 (1987) p. 86; *COD*, i, p. 304, no. 717.

⁹⁴ *Leg. Proc.*, pp. 26-7, 29-31, 35-6, 39-40; Sayles, 'The rebellious first earl', pp. 217-8.

⁹⁵ *Clyn*, p. 31; Sayles, 'The rebellious first earl', p. 222.

⁹⁶ *Leg. Proc.*, pp. 30, 35; Sayles, 'The rebellious first earl', p. 217.

⁹⁷ *CCM*, iv, p. 363.

⁹⁸ *CIPM*, x, p. 325, no. 397. Parker dates this to 1335 (Parker, 'Politics and society', p. 199), but the inquisition states that Maurice fitz Maurice was 21 on 'the eve of St. Peter's Chains, 31 Ed III' [31 July 1357], so he must have been born on 31 July 1336. Maurice fitz Thomas could not have been present at Newcastle in August 1335 as he was in Drogheda on 30 July 1335 and he was on campaign in Scotland until mid October (R. Nicholson, 'An Irish expedition to Scotland in 1335', *IHS*, 13 (1963) pp. 205, 208).

⁹⁹ *Leg. Proc.*, pp. 25-31, 35-7, 39-40; Sayles, 'The rebellious first earl', pp. 217-8, 220. See Chap. 1, pp. 72-4.

¹⁰⁰ *CPR*, 1345-8, p. 119.

¹⁰¹ *Foedera*, T. Rymer (ed.) (London, 1818) III, i, p. 246; Parker, 'Politics and society', p. 68; Frame, *English Lordship*, pp. 153, 282. (Due to the fact that both the earls of Kildare and Desmond were named Maurice fitz Thomas at this point, Parker makes the easy mistake of assuming it was Desmond whom Walter joined for the expedition to Calais. However, Desmond was being held in England at the time and it was the earl of Kildare who led a force to Calais).

¹⁰² Parker, 'Politics and society', p. 65.

1340s.¹⁰³ But in this case a clearer picture survives for the terms of his service: the indenture of retinue discussed above spells them out.¹⁰⁴

The final individual who can be clearly identified as a member of Desmond's council in the 1340s is Philip Cappella. There is very little information concerning his career in the earl's service beyond his presence on the earl's council; we know only that Desmond named him as one of his officers in Inchiquin when he seized it in 1343.¹⁰⁵

Three other individuals who would almost certainly have been members of his council because of their position as seneschal of the liberty of Kerry can be named: John Inscoul, Robert l'Enfaunt and Nicholas de la Pull. John Inscoul was Desmond's seneschal from 1331 until 1345¹⁰⁶ but his appearance on two juries in Kilmallock, Co. Limerick testifying against Desmond in late October 1345 suggests that he may have been unwilling to join Desmond in his war with the justiciar.¹⁰⁷ Despite this apparent defection, he also paid a fine to have the king's peace in 1353.¹⁰⁸ Robert l'Enfaunt was Desmond's seneschal apparently from Desmond's restoration until 1353.¹⁰⁹ Robert had also been present at the baptism of Maurice fitz Maurice.¹¹⁰ In the violence of the 1340s, his family was represented by Walter l'Enfaunt who fought on the side of the justiciar.¹¹¹ There was no mention of any l'Enfaunts with Desmond in the 1340s though an Adam l'Enfaunt sued for peace in 1346.¹¹² Nicholas de la Pull was Desmond's seneschal from 30 September 1353 until Maurice fitz Thomas's death in 1356.¹¹³ The enrolment of letters patent issued by Maurice fitz Thomas confirming his appointment is calendared in the Irish memoranda rolls,¹¹⁴ but nothing else is known of his relationship with Desmond.

¹⁰³ Leg. Proc., pp. 25-31, 35-7, 39-40.

¹⁰⁴ See above, pp. 249-51.

¹⁰⁵ Leg. Proc., pp. 30-1.

¹⁰⁶ See Appendix F, p. 300.

¹⁰⁷ Leg. Proc., p. 42.

¹⁰⁸ PRO E 101/243/1-2.

¹⁰⁹ See Appendix F, p. 300.

¹¹⁰ CIPM, x, pp. 325-6, no. 397.

¹¹¹ NAI RC 8/23, p. 509; Frame, 'Ralph Ufford', p. 46.

¹¹² PRO E 101/241/14.

¹¹³ See Appendix F, p. 300.

¹¹⁴ NAI RC 8/26, p. 324.

Maurice fitz Thomas was also able to appoint individuals to act for him in the shrievalties and chief serjeancies he held in Munster. Thomas fitz John and John fitz John who acted as Maurice's deputy chief serjeants in Limerick and Cork have been mentioned above; several other individuals can be identified in these posts as well. In the late 1330s and early 1340s, Philip Barry was acting as Desmond's deputy chief serjeant in Cork and Nicholas Christopher appears to have been acting as his chief serjeant in Co. Waterford by 1327.¹¹⁵ When Maurice fitz Thomas was granted the shrievalty of Waterford in 1329, he appointed Nicholas Christopher to that office as well.¹¹⁶ This Nicholas was also present in Maurice fitz Thomas's military forces in the 1320s and 1340s.¹¹⁷ Following his loss of the shrievalties of Waterford and Cork in 1331, Desmond appointed Richard Beaumont and John Tybaud to account for him. They, too, may have held these offices of him prior to his forfeiture.

One individual who almost certainly belongs in this category is Stephen Lawless. His career in the earl's service is not well documented, but the facts which do survive suggest an important role: he was in Dungarvan with John Coterell auditing accounts for the earl in 1338 and he seems to have acted for Desmond in Rome in the early 1340s.¹¹⁸ The latter service to the earl earned him accusations of acting against the king.¹¹⁹ There is also evidence of Desmond seeking to obtain patronage for him; Desmond petitioned Rome to make Lawless a canon of Dublin and Lawless's appointment as Bishop of Limerick might have been aided by Desmond and his allies at court.¹²⁰ Lawless also acted as attorney for Ralph Stafford and Richard Talbot when they received custody of Desmond's lordship in 1348.¹²¹

There are also a handful of references to the less important members of Desmond's household. John Hele was a valet to Desmond in the 1340s.¹²² John

¹¹⁵ NAI RC 8/22, p. 129; RC 8/15, pp. 123-4.

¹¹⁶ NAI RC 8/15, pp. 123-4, 485.

¹¹⁷ Leg. Proc., pp. 6-7, 26-7.

¹¹⁸ COD, i, p. 304, no. 717; PRO C 81/324/18827; 'SC 8', AH, 34 (1987) p. 157; *Papal Registers: Letters*, iii, pp. 87, 165; *Papal Registers: Petitions*, i, pp. 15, 79. See Chap. 1, pp. 79-80.

¹¹⁹ PRO C 81/324/18827; 'SC 8', AH, 34 (1987) p. 157.

¹²⁰ *Papal Registers: Petitions*, i, p. 15; *NHI*, ix, p. 302.

¹²¹ CPR, 1348-50, p. 140.

¹²² CPR, 1354-8, p. 344. See Chap. 1, p. 94; Chap. 3, pp. 167-8.

Harold,¹²³ Norman fitz Ellis and Odo Valle were Desmond's squires in 1336 and Nicholas le White may have been his chaplain in 1336.¹²⁴ A few further individuals might qualify as trusted retainers or members of his household but the evidence is limited to a document which gives some details regarding those present at the baptism of the first earl's son and will be discussed below.

The offices these men held have been discussed above in Chapter 3, but it is perhaps worth noting the influence they had. The legal proceedings against Maurice fitz Thomas stressed that his decision to escape from prison in (1330¹²⁵) and his decision to seize Inchiquin (1343¹²⁶) resulted from meetings with his council. The jurors even blame individual members of his council for prompting Maurice to take these actions.¹²⁷ This might simply reflect the jurors efforts to name his accomplices, but there may be more to it as these men are accused not just of carrying out illegal actions at Maurice fitz Thomas's orders but helping him to conceive of these actions. It appears that these men were being singled out for special blame and the reason might be one very familiar to medieval historians: hostility to 'new men'.

The Desmond Geraldines, unlike the Butlers,¹²⁸ do not seem to have been inclined to call on their more influential tenants to act as officers in their lordship. Most of the men who served as seneschals or sat on Maurice fitz Thomas's council were from prominent Munster families but they were certainly not the heads of the senior lines and seem rather to have been from cadet lines. John Inscoul would seem to be an extreme case: his family is otherwise obscure.

Hostility to 'new men' - either men raised to offices perceived to be above their rank or men from other parts of the realm introduced into high office in a region - is a

¹²³ John Harold presents the historian with a question commonly faced when discussing members of the gentry class: which John Harold? There was a John Harold junior who took part in Desmond's revolt in the 1340s (Leg. Proc., pp. 26-7) but John Harold senior was the sheriff of Limerick in 1346 and he was made the receiver for Desmond's lands in Limerick (PRO E 101/241/14). He later paid a fine for his son's return to peace (PRO E 101/241/20). This would suggest that it was John Harold junior who was a Desmond adherent and, therefore, most likely the John Harold present at Maurice fitz Maurice's baptism.

¹²⁴ *CIPM*, x, pp. 325-6, no. 397. See below, pp. 268-9.

¹²⁵ See Chap. 1, p. 57; Leg. Proc., p. 17.

¹²⁶ See Chap. 1, pp. 76-7; Leg. Proc., pp. 30, 35.

¹²⁷ Leg. Proc., pp. 17, 30, 35.

¹²⁸ C.A. Empey, 'The Butler Lordship in Ireland 1185-1515', Ph.D. thesis (TCD, 1970) pp. 458-9.

reoccurring theme in medieval history.¹²⁹ The men singled out for special blame in the inquisitions against Maurice fitz Thomas were Robert Caunton, Walter and Thomas Mandeville, John Coterell, Philip Cappella and Thomas fitz John - Maurice fitz Thomas's nephew.¹³⁰ All these men owed their position in Munster to Maurice fitz Thomas and certainly the Mandevilles and Thomas fitz John had benefited considerably from their service in terms of land and personal authority. The jurors who gave evidence against Maurice fitz Thomas tended to be prominent men of the region and it would hardly be surprising if they resented the earl's 'new men'.

The third category within magnate retinues consists of those who supplied military service but who did not necessarily have strong links to the head of the retinue.¹³¹ This category would have been the bulk of Desmond's military force and so many of those named in the inquisitions against Maurice fitz Thomas who do not receive special notice (as councillors, officers, etc.) probably belong in this category. However, it should also be noted that some of those discussed here might actually belong in the household but insufficient evidence has survived to argue this conclusively - these cases will be highlighted below.

Considering the extensive literature on the decline of tenurial links in the fourteenth century, there is a surprising level of service from those with tenurial links to the Desmond Geraldines.¹³² Among the families who played a prominent military role in Desmond's retinue seemingly through tenurial links were the Lees, the Valles, the Christophers, the Russells and possibly the Berkeleys.

The Lees were in Desmond's service throughout the 1320s, 1330s, and 1340s. Thomas Lees appears in Maurice's retinue in the 1320s along with Oliver Lees.¹³³

¹²⁹ The most obvious examples in this period being Edward II's favourites in England (M.C. Prestwich, *The Three Edwards* (London, 1981) pp. 82-5, 148) and John Bermingham, earl of Louth in Ireland (J.F. Lydon, 'The Braganstown massacre, 1329', *JCLAHS*, 19 (1977) p. 10; B. Smith, *Colonisation and Conquest in Medieval Ireland: The English in Louth, 1170-1330* (Cambridge, 1999) pp. 114-17; B. Smith, 'The English in Uriel, 1170-1330', Ph.D. thesis (TCD, 1990) pp. 103-4).

¹³⁰ Leg. Proc., pp. 17, 30, 35.

¹³¹ Parker, 'Politics and society', p. 216.

¹³² See above, pp. 246-7.

¹³³ Leg. Proc., pp. 6-7, 18.

Oliver reappears in the 1340s,¹³⁴ but Thomas had been succeeded by his son at least in his military role by then; James son of Thomas Lees appears in the 1340s.¹³⁵ Thomas paid a fine for peace in 1346,¹³⁶ but his son did not, or was unable to, until 1351.¹³⁷ Thomas's apparent absence from Maurice's forces may have allowed him to sue for peace much earlier. It seems likely that additional members of the family served in Desmond's retinue: three further members of the family sued for peace, John son of Roger, Richard, and William.¹³⁸ One member of this family probably also served in Desmond's household: Thomas Lees's participation in the baptism of Maurice fitz Maurice suggests that this was not just a military relationship.¹³⁹ One of his kinsmen, Maurice Lees, was also present. There is no further evidence to support this, but it seems likely that Thomas, at least, was a member of Desmond's household in 1336. The relationship may have had a tenurial basis in Shanid, Co. Limerick.¹⁴⁰

A number of members of the Valle family served in Desmond's retinue in the 1320s and 1340s.¹⁴¹ Some of these and others sued for peace in the years following Desmond's defeat.¹⁴² Philip Valle, who may have held land of Maurice fitz Thomas in Limerick,¹⁴³ was made sheriff of Kerry in 1318 at the insistence of Maurice's wife and an Otho Valle was squire to Maurice fitz Thomas in 1336.¹⁴⁴ Also, four branches of the family held lands from the Desmond Geraldines.¹⁴⁵ There is little evidence of sustained service by any one individual but the number of instances throughout the period would suggest a strong link between the families, but there is little indication of any individual rising in Desmond's service.

¹³⁴ Leg. Proc., pp. 26-7.

¹³⁵ Leg. Proc., pp. 26-7.

¹³⁶ PRO E 101/241/14.

¹³⁷ PRO E 101/242/12.

¹³⁸ PRO E 101/242/12; PRO E 101/243/1.

¹³⁹ *CIPM*, x, pp. 325-6, no. 397.

¹⁴⁰ One Robert Lees held land of Thomas fitz Maurice in Shanid (PRO E 101/233/6; *CDI*, 1293-1301, pp. 258-9, no. 551).

¹⁴¹ Leg. Proc., pp. 6-7, 26-8.

¹⁴² PRO E 101/241/14; PRO E 101/242/7, 12; PRO E 101/243/1-2.

¹⁴³ One Phillip de Valle held land of Thomas fitz Maurice in Newcastle (PRO E 101/233/6; *CDI*, 1293-1301, p. 257, no. 551).

¹⁴⁴ *RCH*, p. 23, no. 76; *CIPM*, x, p. 325, no. 397.

¹⁴⁵ PRO E 101/233/6; *CDI*, 1293-1301, pp. 256-9, no. 551; 39th Rep. *DKI*, p. 63.

The Christophers were Desmond adherents as well. This family began the fourteenth century in the le Poer camp,¹⁴⁶ perhaps due to the long Desmond Geraldine minority, but they seem to have defected and remained in Maurice fitz Thomas's service throughout the 1320s, 1330s and 1340s. Nicholas Christopher's role in the first earl's military forces and as chief serjeant and sheriff of Waterford has been mentioned above.¹⁴⁷ In the 1320s Nicholas was joined by David Christopher in Desmond's service and then by Alan Christopher in the 1340s.¹⁴⁸ Furthermore, as David Christopher received a personal summons to the 1335 Anglo-Irish campaign in Scotland,¹⁴⁹ he may have served in the earl of Desmond's substantial retinue. This relationship may have had a tenurial basis in Dungarvan where several members of the family held land.¹⁵⁰

It has been suggested that two families, the Russells and the Berkeleys, may have served in Desmond's army owing to connections through his mother, though in both cases the evidence is slim and the connection is somewhat distant. The Berkeleys in Munster may have been distantly related to Maurice fitz Thomas's mother, who was an English Berkeley. A member of the Irish family was present in Maurice fitz Thomas's army in the 1320s (Henry Berkeley¹⁵¹) and the 1340s (Edmund Berkeley¹⁵²), but it seems more likely that their service to Desmond was the result of regional, possibly even tenurial, links:¹⁵³ geography could be a far more compelling link than blood.¹⁵⁴ As has been shown with the fitzMaurices of Kerry, distant blood relationships cannot be assumed to have affected contemporary politics. The Russells owed their connection to Desmond, not just to Reginald Russell's marriage to Maurice's mother following the death of Thomas fitz Maurice, but also to their landholdings in

¹⁴⁶ Parker, 'Politics and society', pp. 204-6.

¹⁴⁷ NAI RC 8/15, pp. 123-4, 485.

¹⁴⁸ Leg. Proc., pp. 6-7, 26-7.

¹⁴⁹ *Foedera*, Rymer (ed.) II, ii, p. 906, no. 2; *RS*, i, p. 344.

¹⁵⁰ PRO E 101/233/6; *CDI*, 1293-1301, pp. 258-9, no. 551.

¹⁵¹ Leg. Proc., pp. 6-7, 18.

¹⁵² Leg. Proc., pp. 26-7.

¹⁵³ No Berkeleys are listed as landholders in Thomas fitz Maurice's inquisition *post mortem*, but they were connected with the cantred of Ocarbry (*RCH*, p. 52, no. 50) where the Desmond Geraldines held land.

¹⁵⁴ Wormald, *Lords and Men*, p. 82.

Dungarvan.¹⁵⁵ Seven Russells joined Maurice fitz Thomas in the 1320s and a further five were in his army in the 1340s.¹⁵⁶

There are, of course, a number of military retainers who do not seem to have had a tenurial link to the Desmond Geraldines, such as the l'Engleys (or Englishes),¹⁵⁷ the St. Aubyns (or Tobins),¹⁵⁸ and the le Waleys (or Walshes).¹⁵⁹ Though they appear in the inquisitions in both the 1320s and 1340s, it is difficult to define their relationship with Maurice fitz Thomas. Richard l'Engleys appears in Desmond's retinue in the 1320s and 1340s and sued for peace following Desmond's 1346 defeat. William l'Engleys is not mentioned in the 1340s inquisitions but he sued for peace in 1347 as did Thomas l'Engleys.¹⁶⁰

In the case of the le Waleys, the question is further complicated by the application of this surname to a number of families. The relationship between the main line in Waterford and Maurice fitz Thomas was quite bad: it appears that Richard le Waleys plotted to assassinate Desmond in response to Desmond's attempts to dispossess him.¹⁶¹ Therefore, it seems likely that the le Waleyses present in Desmond's forces were either individuals unhappy with their treatment by Richard or, more likely, from another family altogether.¹⁶² Aside from these military retainers, Richard Waleys, the bishop of Emly, may also have had a connection to the earl as he was both present at Maurice fitz Maurice's baptism and paid a fine for the king's peace in the 1340s.¹⁶³ However, attending the baptism of a local magnate's son and being among the hundreds fined in the wake of Desmond's 1340s 'revolt' gives only weak, circumstantial evidence for a link.

¹⁵⁵ *CDI, 1293-1301*, p. 262, no. 551.

¹⁵⁶ *Leg. Proc.*, pp. 9, 25-8, 43.

¹⁵⁷ *Leg. Proc.*, pp. 18, 26-7.

¹⁵⁸ *Leg. Proc.*, pp. 6-7, 23-28.

¹⁵⁹ *Leg. Proc.*, pp. 18, 31, 34-35.

¹⁶⁰ PRO E 101/241/14; PRO E 101/241/20; PRO E 101/242/1.

¹⁶¹ See Chap. 1, pp. 71-2.

¹⁶² *Leg. Proc.*, pp. 18, 31, 34-5; PRO E 101/241/14; PRO E 101/242/12; PRO E 101/243/1; PRO E 101/243/2.

¹⁶³ *CIPM*, x, pp. 325-6, no. 397; PRO E 101/241/14.

The St. Aubyns present in the 1320s were members of the senior line: John de St Aubyn, lord of Comsy and his brother Maurice.¹⁶⁴ But those present in the 1340s, despite being described as *omnes de cognomine de Taubyns del Comsy*,¹⁶⁵ did not include the lord of Comsy or his son. Those present had already been outlawed before they entered Desmond's service and seem to have arrived as a significant force comprised of more than just St. Aubyns and seemingly led by Richard the son of Walter de St. Aubyn.¹⁶⁶ Both of these branches will be discussed below as allies who brought their own retinues to the earl's service. Again, there is little evidence for speculation on what brought the St. Aubyns into Desmond's service in the 1320s. In the 1340s, they may well have been a semi-professional band of soldiers.

The discussion of the first earl's retinue relates almost entirely to his administrative officers and his military retinue. The reason for this is that almost all of the surviving evidence relates to either his military retinue (and their misbehaviour) or administrative records which mention his officials. There is, however, one piece of evidence which is more social in nature: Maurice fitz Maurice's proof of age presents a partial snapshot of the circle around Desmond at the time of the birth and baptism of his son.¹⁶⁷ The bishops of Limerick, Emly, Ardfert and Killaloe, Walter Mandeville, Thomas Lees, Miles Prendergast, Nicholas le White chaplain, William Cogan, John Harold, Norman fitz Ellis, Otho Valle, Henry le White, Robert l'Enfaunt, Jordan Purcell, Geoffrey fitz Robert, Thomas Frendeville, Maurice Lees, Thomas Conghur, and Patrick fitz Matthew were with the earl at the time of Maurice fitz Maurice's birth and/or attended his baptism.

However, it is difficult to know exactly what Desmond's relationship was with these individuals. The place of Robert l'Enfaunt, Walter Mandeville, Thomas Lees, Maurice Lees, Nicholas le White, William Cogan, John Harold, Norman fitz Ellis and Odo Valle has already been discussed. Of those remaining - the four bishops, Miles

¹⁶⁴ Leg. Proc., pp. 6-7.

¹⁶⁵ Leg. Proc., p. 28.

¹⁶⁶ Leg. Proc., pp. 23-8. The inquisitions suggest that three brothers, Richard, David, and Thomas the sons of Walter de St. Aubyn, were the leaders. However, only Richard, possibly the senior of the three, is listed among those who sued for peace after Desmond's defeat which suggests that he was the leader (PRO E 101/241/20; PRO E 101/242/1).

Prendergast, Henry le White, Jordan Purcell, Geoffrey fitz Robert, Thomas Frendeville, Thomas Conghur, and Patrick fitz Matthew - little is known. None of this latter group were present in the earl's military force in the 1340s. There is little evidence that any of these men held land of the earl.¹⁶⁸ It is possible that some of these men were present because of their importance in the region. For example, the four bishops (who were present at the time of the birth but did not attend the baptism) were probably present as dignitaries with official relationships with Desmond rather than personal connections but, as was mentioned above, Richard Waleys, the bishop of Emly was also later made to pay a fine following Desmond's 'revolt' in the 1340s so a closer connection cannot be ruled out.¹⁶⁹ Similarly, Jordan Purcell appeared regularly in the exchequer receipt rolls for the years following Desmond's 'revolt' paying a significant fine for peace,¹⁷⁰ but this, by itself, is not incriminating.¹⁷¹

The document lists four men who took part in the baptism. Nicholas le White, the chaplain who actually baptised Maurice fitz Maurice, and Miles Prendergast, Thomas Lees and Walter Mandeville, the three men who 'lifted the said Maurice from the font'.¹⁷² It seems likely that these men, at least, were members of the earl's household. The places of Walter Mandeville and Thomas Lees have been discussed above.¹⁷³ The position of Nicholas le White and Miles Prendergast in Desmond's retinue is harder to prove. No Prendergasts were said to have served Desmond against the justiciar, though Richard Prendergast, possibly a kinsman, sued for peace in 1346.¹⁷⁴ Maurice fitz Thomas's relationship with the Whites is slightly less obscure. Again, neither Nicholas le White nor any of his kinsmen are listed in Desmond's forces in the 1320s or 1340s but a few Whites sued for peace after Desmond's defeat including Nicholas White and a Henry fitz John Albi - quite possibly Nicholas's kinsman who

¹⁶⁷ *CIPM*, x, pp. 325-6, no. 397.

¹⁶⁸ The Purcells held land in Shanid, Co. Limerick but the difficulty of identifying Jordan Purcell makes it hard to connect him to this land holding (*CDI*, 1293-1301, p. 259, no.551).

¹⁶⁹ PRO E 101/241/14.

¹⁷⁰ PRO E 101/241/14, 20; PRO E 101/242/1; PRO E 101/243/1-2.

¹⁷¹ See above, pp. 251-2.

¹⁷² *CIPM*, x, p. 325, no. 397.

¹⁷³ See above, pp. 259-61, 63-4.

¹⁷⁴ PRO E 101/241/14.

was also present at Maurice fitz Maurice's baptism.¹⁷⁵ The lack of further evidence makes it difficult to determine if the others - Geoffrey fitz Robert, Thomas Frendeville, Thomas Conghur,¹⁷⁶ and Patrick fitz Matthew - were also Desmond retainers or men of local importance.

The final category, Parker's adherents, were other noble and powerful gentry families who not only served Desmond personally but supplied their own retinue as well. Undoubtedly a number of the families listed above contributed significant retinues as well as their personal service, but only in a few cases do the legal proceedings against the first earl of Desmond appear to give some indication of the presence and membership of these smaller retinues. The best example is that of the St. Aubyns, seemingly led by a Richard St. Aubyn, in the 1340s. Two separate inquisitions note a significant force made up largely of St. Aubyns but containing a handful of other families raiding in Tipperary and then joining Desmond.¹⁷⁷ One inquisition names only a few members and adds *et omnes de cognomine de Taubyns del Comsy cum eorum sequela, quorum nomina ignorant*.¹⁷⁸ A second inquisition named far more members of the St. Aubyn family but also included several le Poers and members of four Irish lineages: Ó Séaghdha, Ó Cuill, 'Ogeghyn', and 'McTenyn'.¹⁷⁹ During the 1320s, it may be that the St. Aubyns themselves were present as allies of, or part of the retinue of, the Berminghams, as in February of 1332 John Tobin, lord of Compsey was arrested at Clonmel along with William and Walter Bermingham.¹⁸⁰ Gilbert and Eustace Bermingham were no doubt also present as part of William's retinue.¹⁸¹ John Bermingham, the earl of Louth also seems to have joined his brother in supporting Maurice fitz Thomas against the le Poers and the Burghs by 1328 but his level of involvement is unclear.¹⁸² William himself may have been present due to a marriage

¹⁷⁵ PRO E 101/241/14; PRO E 101/242/12; PRO E 101/243/2.

¹⁷⁶ Probably an Ó Conchobair and so possibly related to the Diarmait Ó Conchobair who held land in Limerick in 1298 (PRO E 101/233/6; *CDI*, 1293-1301, p. 260, no. 551).

¹⁷⁷ Leg. Proc., pp. 23, 28.

¹⁷⁸ Leg. Proc., p. 38.

¹⁷⁹ Leg. Proc., pp. 23-4.

¹⁸⁰ Sayles, 'The rebellious first earl', p. 214; *Clyn*, p. 44.

¹⁸¹ Leg. Proc., pp. 6-7.

¹⁸² *CCR*, 1327-30, p. 397.

connection with Maurice fitz Thomas - William may have married Maurice's sister¹⁸³ - or, if Joan was not Maurice's sister, he may have been attempting to secure Joan's dower in Thomond (she was Richard Clare's widow).¹⁸⁴ In 1345, Eustace le Poer brought not only his service to Desmond but that of a large number of the le Poer lineage.¹⁸⁵ The Burghs who joined him also represented a significant portion of a branch of that lineage.¹⁸⁶

This picture of a retinue constructed from tenants, landless younger sons and cadet branches of local gentry families is exactly what one would expect to find. Those active in Desmond's retinue were those who either owed him service for lands they held from him or sought his backing to improve their condition. However, the reason for the frequent appearance of cadet lines and younger siblings in Desmond's retinues may not be just because these men were in search of patrons. Desmond may have been actively recruiting the cadet branches and younger brothers of Anglo-Irish gentry families in an effort to destabilise their control of a region. This seems particularly true in Co. Cork where Maurice fitz Thomas was engaged in a long series of disputes with the gentry of Cork.¹⁸⁷ Maurice continually sought to expand his power and authority in Cork, but the main families did their best to prevent him from gaining a foothold.¹⁸⁸ As a result of this, Maurice fitz Thomas was not only engaged in his own disputes in Cork but often supported cadet branches in disputes with the senior line of their family as well as supporting one side in feuds between gentry families. Maurice fitz Thomas took an active role in feuds within the Barry,¹⁸⁹ le Waleys¹⁹⁰ and Cauntun lineages.¹⁹¹ He also aided the Cauntuns in a long-running feud with the Roches.¹⁹² The parallels between

¹⁸³ See Chap. 1, p. 28.

¹⁸⁴ Frame, *English Lordship*, p. 182.

¹⁸⁵ Leg. Proc., pp. 23-8.

¹⁸⁶ Leg. Proc., pp. 25-6.

¹⁸⁷ NAI RC 8/15, p. 83; RC 8/19, pp. 21, 136, 406.

¹⁸⁸ P. McCotter, 'The sub-infeudation and descent of the fitzStephen/Carew moiety of Desmond (part i)' *JCHAS*, 101 (1996) p. 78. See Chap. 1, p. 44.

¹⁸⁹ Leg. Proc., pp. 32-4; Sayles, 'The rebellious first earl', pp. 218-9.

¹⁹⁰ Maurice fitz Thomas granted his peace to two le Waleys who had killed one of their kinsmen (Leg. Proc., pp. 34-5; Parker, 'Politics and society', p. 222).

¹⁹¹ In 1344 Maurice fitz Thomas was said to have granted his peace to three brothers, David, Robert, and Nicholas Cauntun, and one George Cauntun. These four had killed the brothers' uncle, David Cauntun, because of a dispute over the succession of the Cauntun lands (Leg. Proc., pp. 32, 34, 37).

¹⁹² Leg. Proc., pp. 17-18; Parker, 'Politics and society', p. 222.

these intrusions into local disputes and the similar involvement in Gaelic dynastic politics are striking: clearly Maurice fitz Thomas employed the same tactics against Anglo-Irish opponents that he employed against Gaelic dynasties.

The best, though still somewhat obscure, example of this behaviour concerns his dispute with the Barrys.¹⁹³ Sometime prior to 1318, Maurice fitz Thomas and David Barry, the head of the senior Barry line, sought arbitration for an unnamed dispute,¹⁹⁴ but nothing more survives concerning this. Ten years later, Maurice fitz Thomas was involved in a court case with William son of David Barry seemingly in regard to a debt owed to William but again nothing more survives concerning this.¹⁹⁵ It seems likely that these two incidents were part of a long-running dispute and it was probably this dispute which led Maurice fitz Thomas to become involved in a violent dispute between a cadet branch of the family led by Adam Barry and David son of David Barry.¹⁹⁶

Gerald fitz Maurice's Retinue

Charting the retinue of Gerald fitz Maurice, the third earl of Desmond is far more difficult than charting Maurice fitz Thomas's. Nothing similar to the legal proceedings against the first earl of Desmond or the fines in the exchequer receipt rolls exist for the third. The historian lacks nearly all the evidence which allows the reconstruction of the first earl's retinue. What does survive concerning the earl's retinue is little more than chance survival of information in royal administrative documents.

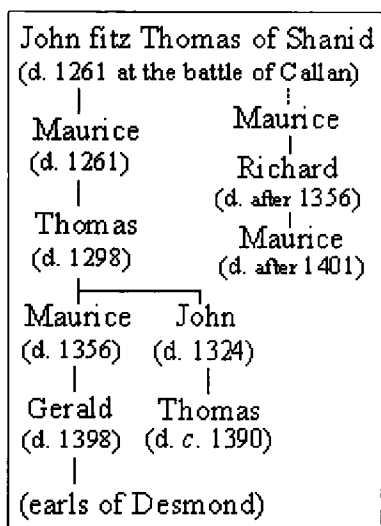
Gerald fitz Maurice, like his father, could clearly call on the service of certain elements of his lineage. His relationship to most of the family's cadet branches was probably similar to that of his father. In fact, two members of cadet branches who had served Maurice fitz Thomas appear in the service of Gerald fitz Maurice. When Gerald was defeated and captured by the Uí Bhriain, John fitz Nicholas, the lord of Kerry (the fitz Maurices of Kerry) and Thomas fitz John (the first earl's nephew) were captured

¹⁹³ It has been suggested that the Desmond Geraldines and the Barrys had a long-term connection (Parker, 'Politics and society', p. 197). However, this theory is based on little more than the presence of the senior line at the Battle of Callan and the presence of a cadet branch in Maurice fitz Thomas's retinue in the 1340s (a branch which was acting *against* the senior line).

¹⁹⁴ *RCH*, p. 25, no. 175.

¹⁹⁵ NAI RC 8/15, p. 83.

¹⁹⁶ *Leg. Proc.*, pp. 32-4; Sayles, 'The rebellious first earl', pp. 218-9.



with him.¹⁹⁷ These may even be the men Gerald termed friends when, in his poetry, he praised Ó Briain's son for protecting his friends when the battle was lost.¹⁹⁸ As was mentioned above, John fitz Nicholas, lord of Kerry seems to have been less hostile to the earls of Desmond than his predecessors and heirs. It is unsurprising to find Thomas fitz John still in the service of the earls of Desmond. He was Maurice fitz Thomas's heir until the birth of Gerald's older brother in 1336 and he served Maurice loyally

throughout his career. Gerald also seems to have left him in place in Dungarvan to look after the Geraldine holdings there.¹⁹⁹ Another member of Gerald's lineage and the son of another of Maurice fitz Thomas's allies, Maurice fitz Richard (ancestor of the Knights of Kerry and the seneschals of Imokilly), also seems to have been in Gerald's service. He had also been in royal service as the sheriff of Cork 1364-8.²⁰⁰ There is no direct evidence he owed this office to Gerald's influence, but there are indications that Gerald fitz Maurice had some influence over the shrievalties of the southwest and in 1377 Gerald named him the chief serjeant of Cork (one of the Desmond's hereditary chief serjeancies)²⁰¹.

The only members of the third earl's council who can be positively identified are his seneschals of the liberty of Kerry. Because these men had to report to the exchequer to account for royal issues within the liberty, their names are recorded in the memoranda rolls which cover the period up to the end of Edward III's reign. Walter L'Enfaunt served as Gerald's seneschal during the 1360s, but by 1373 Patrick Fox had taken his place and held that office until at least 1375 when the seneschal of the liberty

¹⁹⁷ *St. Mary's Abbey*, ii, p. 397; *Two Histories of Ireland the one written by Edmund Champion, the other by Meredith Hanmer*, J. Ware (ed.) (Dublin, 1633) p. 213; Otway-Ruthven, *Med. Ire.*, p. 298; E. Curtis, *A History of Medieval Ireland from 1086-1513* (London, 1938) p. 237. Though the names are all too plausible for Desmond Geraldines, Hanmer's John fitz Richard and John fitz John are a misreading of John fitz Nicholas and Thomas fitz John. John fitz Richard and John fitz John are not mentioned as fellow captives in any other source and if they were additional captives, Hanmer would have listed all four as he used annals which cite John fitz Nicholas and Thomas fitz John.

¹⁹⁸ G. Mac Niocaill, 'Duanaire Ghearáid Iarla', *SH*, 3 (1963) poem 7, pp. 22-3.

¹⁹⁹ *RCH*, p. 80, no. 135; Parker, 'Politics and society', p. 100.

²⁰⁰ See Appendix A, p. 287.

of Kerry is last mentioned in the memoranda rolls.²⁰² A relative, probably the father, of Walter l'Enfaunt, Robert l'Enfaunt, had served Maurice fitz Thomas in the same position for several years in the 1350s and Walter's position as seneschal probably indicates a successful career in Gerald fitz Maurice's service but little more can be said concerning his career.²⁰³ There was a Walter l'Enfaunt in the justiciar's army in 1345²⁰⁴ but it is unlikely that this is the same man as that Walter appeared as a mainpernor for Maurice fitz Thomas in 1333 and was unlikely to have been a young man at the time. It seems improbable that his active career would have continued another forty years.

Patrick Fox, on the other hand, seems to have done well not only in the earl's service but in royal service as well. He may owe at least part of his time as sheriff of Limerick (1362-4, 1365-6 and 1368)²⁰⁵ to the influence of the earl of Desmond.²⁰⁶ He was also said to have been a former escheator of Limerick in 1366.²⁰⁷ During the late 1380s and early 1390s it seems he acted with Gerald fitz Maurice and others as keeper of the peace in much of the southwest.²⁰⁸ In 1382 he was also commissioned along with Gerald fitz Maurice, Walter Coterell, and William Bernard to investigate sedition and hold assizes of novel disseisin in Cork, Limerick and the crosslands in Kerry.²⁰⁹ Patrick Fox's relationship with the earl does not seem to be based on a wider connection between the two families. Maurice fitz Thomas did employ Richard and Adam Fox as his attorneys in a suit against William son of David Barry in 1327,²¹⁰ but Adam and Richard as well as Thomas and William Fox seem to have been widely employed in this capacity;²¹¹ Adam and Richard may have been 'professional attorneys' rather than

²⁰¹ *The Pipe Roll of Cloyne*, p. 248.

²⁰² See Appendix F, p. 300.

²⁰³ See Appendix F, p. 300.

²⁰⁴ NAI RC 8/23, p. 509; Frame, 'Ufford', p. 46.

²⁰⁵ See Appendix F, p. 300.

²⁰⁶ NAI RC 8/28, pp. 391-393.

²⁰⁷ NAI RC 8/29, p. 279.

²⁰⁸ Each commission was in regard to Cork, Limerick, or Kerry or a combination of the three (R.F. Frame, 'Commissions of the peace in Ireland, 1302-1461', *AH*, 35 (1992) pp. 10, 14, 20; *RCH*, p. 114, no. 217; p. 142, no. 239; p. 149, no. 87; p. 149, no. 94).

²⁰⁹ *RCH*, p. 115, no. 204.

²¹⁰ NAI RC 8/15, p. 83.

²¹¹ NAI RC 8/15, pp. 83-206.

adherents of the first earl.²¹² It seems likely that Patrick Fox may also have had some knowledge of the law as well and it may have been this knowledge which brought him into Desmond's employ.²¹³

Maurice Mandeville may also have held an important place in the third earl's retinue. The Mandevilles continued to be loyal to the earls of Desmond in the latter half of the fourteenth century though not always to the earl's advantage. Their violent clashes with the le Poers brought criticism on Desmond as well as on them.²¹⁴ Maurice himself seems to have played an active role in this violence but he probably owed his brief stint as sheriff in Waterford to Gerald's influence. There is no clear evidence placing him in the earl's household but he was certainly a trusted retainer as he travelled to England on Gerald fitz Maurice's business in the early 1360s.²¹⁵

Almost nothing can be learned about the third earl's wider retinue. No doubt those who held land of him served in his military force as they had in that of the first earl but it is difficult to gather even a small number of the names of members of his wider retinue. A few can be gleaned from royal grants made at his request. In 1391 and 1392 Gerald obtained pardons for Philip son of William Barry, John son of William Barry, Geoffrey son of David White, Oliver Lees, and John Mareschall of Kyll.²¹⁶ It takes little imagination to conjecture that these pardons were for crimes committed in the earl's interests but they could just as easily have run foul of the law in other ways. It is also worth noting the presence of Whites and Leeses, names familiar from his father's retinue and, in the case of Lees, landholders in Shanid. Equally, it is not difficult to imagine that Gerald fitz Maurice and Thomas fitz John's reluctance to hand over Geoffrey Mór son of Henry 'Migiboan' (probably Henry fitzGibbon), Philip Cam son of David, Richard son of Davy and Gilbert son of Davy to the mayor and bailiffs of

²¹² They are not among those Brand has identified as possible professional attorneys (P. Brand, 'The early history of the legal profession of the lordship of Ireland, 1250-1350', Hogan and Osborough (eds) *Brehons, Serjeants and Attorneys* (Dublin, 1990) pp. 37-41) but clearly the family was very active in the profession.

²¹³ *RCH*, p. 100, no. 24; p. 127, no. 242.

²¹⁴ *RCH*, p. 80, no. 135; Parker, 'Politics and society', p. 100.

²¹⁵ NAI RC 8/28, pp. 218-22.

²¹⁶ *RCH*, p. 149, nos. 29-33.

Waterford 'for certain contempts and evildoings in Ireland committed'²¹⁷ might have been because those 'contempts and evildoings' were in aid of the earl's (or Thomas's) interests in Waterford.

By 1392, Gerald's son and heir, John, was seeking patronage and pardon for his own men. In 1392 he obtained an annual pension for William O'Molcorkeran.²¹⁸ He also obtained pardons for himself²¹⁹ and his servant, Richard Mason,²²⁰ as well as an appointment to the shrievalty of Waterford for himself although this last was said to be *ad requisicionem et postulacionem Comunitatis comitatus Waterfordie*.²²¹

Gerald fitz Maurice was also able to exert some influence on the appointment of sheriffs in Cork, Limerick, and Waterford. Undoubtedly, some of those who served in these offices during Gerald's career owed their position to him. This influence can be shown for some examples such as Patrick Fox in Limerick and Gerald's own son in Waterford.²²² In other cases, the sheriffs are the descendants of adherents of the first earl of Desmond so may owe their office to Gerald's influence: for example Maurice fitz Richard in Cork and possibly James Lees and Odo Valle in Limerick.²²³

Conclusion

There are few surprises concerning the retinues of the first and third earls of Desmond. The earls' lineage played an important part in their retinues and, with the exception of the fitzMaurices of Kerry, seems to have caused the earls little trouble. During the fourteenth century, the cadet branches of the Burghs were already becoming troublesome and in the next century both Desmond and Ormond would begin to have difficulty containing their lineages.²²⁴ But in the fourteenth century there are no signs that the cadet branches of the family were either stirring up trouble or attempting to usurp the senior line's authority. Even in the instance where some power may have been

²¹⁷ CCR, 1374-7, p. 304.

²¹⁸ RCH, p. 149, no. 85-6.

²¹⁹ Proc. King's Council, Ire., 1392-3, pp. 147-8, no. 125.

²²⁰ Proc. King's Council, Ire., 1392-3, p. 142, no. 122.

²²¹ Proc. King's Council, Ire., 1392-3, p. 155, no. 133.

²²² NAI RC 8/28, pp. 391-3; Proc. King's Council, Ire., 1392-3, p. 155, no. 133.

²²³ See Appendix A, p. 287; Appendix C, p. 293.

²²⁴ For the Butlers, see D. Beresford, 'The Butlers in England and Ireland, 1405 - 1515', Ph.D. thesis (TCD, 1998) pp. 110-41; for the Desmond Geraldines, see Nicholls, *Gaelic Ireland*, pp. 163-6 [2nd pp. 192-4].

delegated to a cadet line (Thomas fitz John) there is no indication that that authority did not return to the third earl at the time of Thomas's death. Much of the military retinue was drawn from the tenants of the Desmond Geraldines and other local gentry families but also, and more prominently, from members of cadet branches and second sons of Munster gentry families. This is hardly surprising as many of these individuals could not expect to inherit much if any land and so were reliant on finding a patron who could provide them with land and livelihood. Some, however, would have received only the latter: these would have been the 'idle men', the semi-professional soldiers whose accommodation, food and wages had to be supplied by the earls' retainers. Though information concerning the retinue of the third earl is slight, there are still clear signs of continuity between the adherents of the two earls - a continuity which, no doubt, stretched through the brief career of the second earl as well, though his time in England and his marriage to the daughter of an English earl no doubt led to some changes particularly in his household and at the higher levels of his retinue.²²⁵

The evidence is slim, but members of the earls' retinues clearly received patronage from the earls in the form of lands and offices within the lordship. References to a few land grants have survived although none of the charters granting these lands are extant. For example, it is clear that the Mandevilles held lands obtained from Richard le Waleys, and the Uí Bhriain of Comeragh and Thomas fitz John were given lands in the honor of Dungarvan,²²⁶ but the exact nature of these grants is unclear. It is also difficult to determine who held any but the highest offices within the Desmond Geraldine lordship but these offices, and the chief serjeancies and shrievalties held by the earls of Desmond, would have been granted to loyal retainers. However, the first earl's repeated clashes with the Dublin government made it difficult for him to obtain royal patronage. Some offices and pardons were granted at his request during the periods when he was in royal favour, but for certain periods in his career, Maurice fitz Thomas found it difficult to gain royal patronage for himself let alone for his adherents. The third earl had a less

²²⁵ No information survives concerning the retinue of Maurice fitz Maurice, second earl of Desmond. We know only that he appointed one 'Styneile' as chief serjeant of county Cork for life (NAI M 2645, p. 86).

²²⁶ See above, pp. 253-4, 259-60; Chap. 4, pp. 232-3.

hostile relationship with the royal government but he seems to have avoided royal service himself and this probably accounts for the limited royal patronage received by his retinue. The one exception was shrievalties: both earls seem to have had some influence on appointments to the shrievalties of Cork, Limerick, and Waterford. The exact nature of this influence is difficult to define because of the different methods of gaining that office. In cases of an elected sheriff, the earls of Desmond would have been able to apply pressure on the electorate to appoint their candidate but this would be difficult to prove. In the case of appointments from England or Dublin, the earls would have had to exert influence on the crown or the crown's government in Dublin. There are only a few instances where either the first or third earl of Desmond's influence is clearly visible in the appointment of sheriffs, but there are a number of additional cases of their retainers holding the office probably at least in part due to their influence. However, many of the earls' retainers may have considered the help they received in their personal disputes and feuds to be the greatest perk of serving the earls of Desmond.

Conclusion

Historians of the English lordship of Ireland have universally seen the fourteenth century as a period of decline. The effectiveness and reach of the royal government in Dublin declined and attempts to reimpose wider royal authority were met with resistance which manifested itself in a variety of forms: the stiff political resistance that met royal ministers in 1341, the military resistance which assembled against Ufford in 1345, and the legal and parliamentary resistance faced by William of Windsor, as well as a more subtle resistance characterised by the magnates' failure to give William of Windsor support. Not even a king's son, Lionel duke of Clarence, or a king himself, Richard II, could assume total support. The speed and profundity of this decline are often subject to debate, but it is clear that the government became increasingly reliant on local magnates to keep the peace and enforce the law between royal efforts to bolster the Dublin government. As was shown in Munster during the later 1340s, the Dublin government still had the power to remove magnates who went too far and to punish those who supported them but maintaining peace and order in the region once a magnate was removed became problematic. The slow collapse of Ulster after it passed permanently into royal custody shows just how problematic.

However, for some of the magnates of the lordship this was a period of expansion and growth of power and authority. By the end of the thirteenth century, the Dublin government had begun to recognise and attempted to regulate local authority particularly concerning relations with the Irish.¹ But as the century progressed and the Dublin government continued to decline, individual magnates were granted additional authority and they also faced less interference from the government in Dublin. During the Bruce invasion, three earldoms were granted - Kildare, Louth and Carrick, though the latter was never conferred and the earldom of Louth lapsed with the death of the first

earl in 1329. However, the creation of liberties for Kildare and Louth set an example. Liberties were not new to Ireland; much of Leinster had been or was palatinal at the turn of the century, but these liberties were being reduced by accidents of birth, death and inheritance as well as through the efforts of the Dublin government to regain the delegated authority. The new liberties fared no better - Louth lapsed in 1329 and in 1345 the Kildare liberty was extinguished. But by then two others, more remote from Dublin, had been created. Mortimer had created the earldoms of Ormond and Desmond with liberties in Tipperary and Kerry respectively and he had granted the shrievalities of Cork and Waterford to Desmond (who already held the chief serjeanties of Cork, Waterford, and Limerick). He clearly intended that Munster would be ruled by proxy.

Neither of these magnates had performed any service to deserve these rewards - quite the opposite, both had been deeply involved in the private wars which raged in Munster during the 1320s. Mortimer may have been short-sightedly bidding for the loyalty of the *de facto* powers in Munster by handing them even more authority. The creation of the earldoms of Ormond and Desmond also seems to have been intended to buy peace in Munster. However, there may have been a more realistic policy at work. The decline of the lordship was evident by this time - the falling income of the exchequer alone could verify that - and local, inherited authority was becoming more and more important. Mortimer may have accepted this and planned to use it to his own benefit: the Burghs already controlled much of Connacht and Ulster, Munster was placed under the authority of two robust and ambitious magnates and Mortimer may have been preparing north Leinster (where he held the liberty of Trim) as his own slice of the pie for the inevitable time when he would have to turn over the reins of government to Edward III.² Whether or not it was intentional, that is what occurred (except, of course, Mortimer was never able to take his place) and despite a slight

¹ B. Smith, 'Keeping the peace', Lydon (ed.) *Law and Disorder*, pp. 59, 63; R.R. Davies, 'review of James Lydon (ed.) *Law and Disorder in Thirteenth-century Ireland, the Dublin Parliament of 1297*', *WHR*, 19 (1998) p. 346.

² P.R. Dryburgh, 'The career of Roger Mortimer, first earl of March', Ph.D. thesis (Bristol, 2002) pp. 138, 142-3.

reeling in of their authority following the fall of Mortimer, Maurice fitz Thomas and James Butler retained their earldoms and liberties. The history of the rest of the fourteenth century in Munster is the history of the expansion of these two lordships though legal battles, purchase, intimidation and outright theft (by both earls) as well as the recruitment or undermining of the lesser powers in the region.

This form of personal lordship was never likely to achieve the stability of a strong (and well financed) royal government, but the unrest was also intensified by the resurgence of the Irish both within and beyond the lordship's borders. At least in part this apparent 'Gaelic resurgence' of the fourteenth century was the result of thirteenth-century attempts to transform vague overlordship of Irish dynasties into real lordship on the English pattern during the thirteenth century. The initial expansion of the English lordship of Ireland had seen the outright conquest and resettlement of some regions, but much of the lordship consisted of a new English aristocracy taking over from a conquered Irish aristocracy and some regions lacked even this, with the English invaders doing little more than collecting 'rents' which bore a more than passing resemblance to pre-conquest tributes to over-kings and high-kings. Attempts to impose a more solid form of lordship on these semi-autonomous Gaelic powers or to enforce agreements which had meant different things to both sides caused a renewed military resistance.³

The growth of local power and of armed semi-stable border regions led to the increased development of the marcher conditions found both in Ireland and Wales but also on the marches between England and Scotland. Lineages become increasingly important, like the surnames of the English/Scottish border and as they did, to a lesser extent, in Wales. The delegation of power to local authorities to allow quick reactions was also common to all these regions, as was making local officials responsible for policing the borders. Marcher lords in Wales had had this power from the beginning of the conquest of Wales and the Scottish marchers developed this authority during the

³ R.R. Davies, *Domination and Conquest* (Cambridge, 1990) pp. 25-6, 45, 64-5, 88, 95-106.

Anglo-Scottish wars of the fourteenth century. In Ireland this local authority, in practise, had been exercised since the Anglo-Norman arrival but only in the fourteenth century did it gain official sanction. Nor were these developments limited to the British Isles and Ireland. We find similar institutions forming on the continent as well.⁴

Thus was the Ireland of the first three earls of Desmond - the Ireland that shaped their careers in much the same way it shaped the careers of their equals both in Ireland and on the rest of the English marches. The traditional view of the first earl, as we saw in the introduction, is that Maurice fitz Thomas was an ambitious and power-hungry magnate who would stop at almost nothing to aggrandise himself. And as a result he was a threat to the king's authority and the English lordship in Munster. But this view rests squarely on the legal proceedings against the first earl of Desmond published by Sayles,⁵ with additional support being anachronistically projected back from later Desmond rebellions. Were the earls of Desmond really so much worse than their equals throughout the British Isles and Ireland? In the course of this thesis I have shown that Maurice fitz Thomas was an ambitious and aggressive magnate - just as were his peers and ancestors in Wales and England and just as the Normans had been throughout the British Isles and on the continent. However, his aggression was not just almost-mindless violence and theft, as is sometimes portrayed,⁶ but rather efforts to enforce land and lordship claims and reactions to the abrasive actions of overzealous royal ministers. Some magnates in England did more with less reason.⁷

⁴ Davies, *Domination*, pp. 32, 73-4; Frame, *The Political Development of the British Isles* (Oxford, 1990) pp. 198-224; D. Hay, 'England, Scotland and Europe: the problem of the frontier', *TRHS* (5th series) 25 (1975) pp. 77-91. See also the essays published in R. Bartlett and A. McKay, *Medieval Frontier Society*, (Oxford, 1989).

⁵ Leg. Proc., pp. 3-47.

⁶ G.O. Sayles, 'The rebellious first earl of Desmond', Watt, Morrall and Martin (eds) *Medieval Studies Presented to Aubrey Gwynn, S.J.* (Dublin, 1961) pp. 203-27.

⁷ J. Aberth, 'Crime and justice under Edward III: the case of Thomas de Lisle', *EHR*, 107 (1992) pp. 292-5; N. Fryde, 'A medieval robber baron: Sir John Molyns of Stoke Poges, Buckinghamshire', Hunnisett and Post (eds) *Medieval Legal Records edited in memory of C. A. F. Meekings* (London, 1978) pp. 197-221; J.G. Bellamy, *Bastard Feudalism and the Law* (London, 1989); J.G. Bellamy *Crime and Public Order in England in the Later Middle Ages* (Bristol, 1973); B.A. Hanawalt, 'Fur-collar crime: the pattern of crime among the fourteenth-century English nobility', *'Of Good and Ill Repute', Gender and Social Control in Medieval England* (Oxford, 1988) pp. 53-66.

The suggestion that 'the activities of the first earl of Desmond made orderly government in the south-west of Ireland very largely impossible'⁸ ignores the fact that two thirds of the first earl's career was spent acting in the interests of the king and the English lordship of Munster. In terms of the execution of justice, Maurice fitz Thomas was accused not of perverting it, but of imposing it too harshly. Accusations that he held men without reason must be viewed against the fact that the juries saw nothing wrong with the technically legal murder of an Irishman: instances of 'unlawful imprisonment' and executions may well have represented the imposition of marcher law which, while 'illegal', was necessary to maintain peace with the Irish of Desmond, Thomond, and Tipperary.⁹ Maurice fitz Thomas was also accused of protecting his men from prosecution (which was considered a staple of good lordship throughout Europe) but even the inquisitions against him report the trial of several of his men. We need not even look to other marcher regions to find parallels - they can be found throughout fourteenth-century England.¹⁰

The private wars of the earls of Desmond were also not unusual. Earlier examples, such as the Burgh/Geraldines of Offaly feud were worse than the Desmond/le Poer feud and later feuds, such as the Ormond/Talbot feud, saw the whole apparatus of government used as a weapon. Nor were the Desmonds alone in their feuds; in the 1320s the le Poers, themselves an arguably magnate-class family, were aided by the Burghs, including the earl of Ulster himself, and both the Berminghams and the Butlers supported Maurice fitz Thomas in the later fourteenth century; in the second half of the fourteenth century the Butlers took an equal hand in the Ormond/Desmond feud. There is unfortunately little evidence concerning the origins of the Desmonds' feuds so it is difficult to determine who was originally at fault. Blame has, for the past forty years,

⁸ Sayles, 'The rebellious first earl of Desmond', p. 203.

⁹ C.J. Neville, 'Keeping the peace on the northern marches in the later middle ages', *EHR*, 109 (1994) pp. 1-25; R.R. Davies, 'Kings, lords and liberties in the march of Wales, 1066-1272', *TRHS* (5th series) 29 (1979) pp. 41-61; D. Hay, 'England, Scotland and Europe: the problem of the frontier', *TRHS* (5th series) 25 (1975) pp. 77-91.

¹⁰ Fryde, 'A medieval robber baron', pp. 197-221; Bellamy, *Bastard Feudalism*; Bellamy *Crime and Public Order*; Hanawalt, 'Fur-collar crime', pp. 53-66.

tended to fall on Desmond. In the case of the le Poer/Desmond feud, it could have been either side who initiated the power struggle in Waterford. The Desmond/Ormond feud raging during the life of the third earl, however, is more likely to have resulted from Ormond's attempts to extend his power into Waterford - as the Butlers lost lands in north Tipperary to the Gaelic resurgence, they looked south to recoup their losses. By the later fourteenth century, this meant pushing south into Waterford by collecting the pieces of the fledgling le Poer supremacy shattered in 1329. When royal authority in England ebbed during the fifteenth century, equally violent and long-lived feuds broke out there as well, and even during the fourteenth century conditions along the Anglo-Scottish border were becoming equally militarised.

Another important aspect of the violence in which the earls of Desmond, particularly the first earl, took part was the seizing of lands which they claimed were theirs. Rather than 'rebellious behaviour', this was sound legal policy: in medieval English common law 'possession' really was 'nine tenths of the law' and it was always a good idea to be in control of a piece of land when your dispute came before a judge.¹¹ There is sufficient evidence of use of the courts as well as violence during the first earl's early career to suggest that his seizure of disputed lands was only part of a strategy which also included legal cases and the use of the royal courts. This was common, not just in Ireland but in England as well. Magnates and gentry throughout the area of the British Isles and Ireland 'displayed an equal readiness to use simultaneously the king's law..., force (supplied by their servants, relatives and friends, as well as their retainers), bribery, and any and all forms of moral and political pressure'.¹² The employment of felons and men of violence for use in instances such as this was also not uncommon.¹³ However, in Ireland the rules of the game had changed slightly, probably by the end of

¹¹ Bellamy, *Bastard Feudalism*, p. 8.

¹² J.T. Rosenthal, 'Feuds and private peace-making: a fifteenth-century example', *Nottingham Medieval Studies*, 14 (1970) p. 84. See also R. Jeffs, 'The Poynings-Percy dispute; an example of the interplay of open strife and legal action in the fifteenth century', *BIHR*, 34 (1961) pp. 152, 163; E. Powell, 'Arbitration and the law in England in the later middle ages', *TRHS* (5th series) 33 (1983) p. 51; R.L. Storey, *The End of the House of Lancaster* (London, 1966) p. 155.

Maurice fitz Thomas's life. With the growing military threat of raiding by Irish and Gaelicised Anglo-Irish lineages, the nature of the court cases alters: rather than trying to establish their independence, some landholders began to try to prove they held of powerful local magnates who could offer them the protection they needed. The value of that protection outweighed the value of being a tenant-in-chief.

The fierce independence and resistance to royal intrusion which the first earl showed was hardly original or unique. In 1315, the earl of Ulster not only did not seek royal aid when the Scots invaded Ulster but went so far as to rebuke the justiciar for attempting to lead an army into the earldom of Ulster. The short-term results were far more catastrophic than anything which resulted from Desmond's defiance. The county community of Louth showed a similar resistance to royal interference most clearly visible in the 1312 rebellion in Louth.¹⁴ Welsh marcher lords were equally fierce in the defence of their independence and status.¹⁵

One final point regarding this violence is that although Westminster and Dublin condemned it at every occasion, they also condoned aspects of it and pardoned most of it. In part, this was due to political necessity: appeasement and arbitration kept powerful magnates in the field for the defence of the lordship, rebukes and punishment did not. Whenever the royal government at Dublin found itself in trouble, it had to look to Ireland for help because little help was likely to come from Westminster. When John fitz Thomas seized Agnes de Valence's lands in Ireland, the Dublin government did little to attempt to remove him because of his importance to the defence of Leinster.¹⁶ The mass pardon of the gentry of Cork in 1317 is another example. In 1317 during the Bruce invasion, the justiciar summoned the gentry of Cork but they refused to meet with

¹³ M. Cherry, 'The Courtenay earls of Devon: the formation and disintegration of a late medieval aristocratic affinity', *Southern History*, 1 (1979) p. 73.

¹⁴ B. Smith, 'A County Community in Early Fourteenth Century Ireland', *EHR*, 108 (1993) pp. 570-1, 586; B. Smith, *Colonisation and Conquest in Medieval Ireland: The English in Louth, 1170-1330* (Cambridge, 1999) pp. 119-21.

¹⁵ R.R. Davies, 'Kings, lords and liberties in the march of Wales, 1066-1272', *TRHS* (5th series) 29 (1979) pp. 41-3, 59-61.

¹⁶ C. Ó Cléirigh, 'The absentee landlady and the sturdy robber', Meek and Simms (eds) *The Fragility of her Sex* (Dublin, 1996) pp. 109-17, particularly pp. 116-17.

him until they had received pardons for all past offences.¹⁷ As was mentioned above, even Westminster was not above such manoeuvres - the earldoms of Ormond and Desmond had been bargaining chips for talks to gain the loyalty and good behaviour of the Butlers and Desmond Geraldines: Edward I's policy of pardoning criminals for military service writ large.

This leaves the thorny issue of 'gaelicisation' which I will only touch on briefly. Had the Desmond Geraldines adopted aspects of Gaelic culture? Did the Normans adopt aspects of English and Welsh culture? Famously so. Why, then, should we expect a different trend in Ireland? The first three earls of Desmond were all patrons of bardic poetry, as were the Burghs and Butlers and numerous other Anglo-Irish families.¹⁸ They adopted Irish exactions for the support of their military, as did the Burghs and Butlers and numerous other Anglo-Irish magnates and it is often ignored that the first 'route' mentioned in the records was Burgh's, not Maurice fitz Thomas's.¹⁹ Were the Desmond Geraldines more acculturated than their equals? In the case of the first earl, the answer is probably no - there is little in the primary source material to support such a thesis. In the case of the second earl, the answer is almost certainly no - we know little about him but spending his adolescence in England would have had an effect. The third earl, on the other hand, may well have surpassed many of his equals in his knowledge of Irish culture. He wrote bardic poetry in Irish (albeit at an amateur level), fostered his son with the Uí Bhriain and may himself have been fostered with the Mic Charthaigh. However, the suspicion that this acculturation posed a problem for his loyalty to the English crown is an entirely modern concept - despite frequent references to the notion that the 'degenerate' English in general lacked loyalty to the crown, there is no suggestion in the medieval records that Gerald's loyalty was ever questioned.

¹⁷ Frame, *Britain and Ireland, 1170-1450* (London, 1998) pp. 95-6; NLI GO MS 190, p. 135; NAI KB 2/8, p. 53-9.

¹⁸ K. Simms, 'Bards and barons: the Anglo-Irish aristocracy and the native culture', Bartlett and MacKay (eds) *Medieval Frontier Societies* (Oxford, 1989) p. 180; Smith, *Colonisation and Conquest*, p. 117.

¹⁹ K. Simms, 'Gaelic warfare in the middle ages', Bartlett and Jeffery (eds) *A Military History of Ireland* (Cambridge, 1996) pp. 108-10; *Caithréim Thoirdhealbaigh*, S.H. O'Grady (ed.) ii, ITS, 27 (London, 1929) p. 57; Smith, *Colonisation and Conquest*, p. 87.

The earls of Desmond exercised a considerable stabilising influence on the region of their supremacy. The numerous Uí Bhriain and Mic Charthaigh dynasties which surrounded the English lordship in Munster ensured that the lordship was always on a war footing and the Desmond Geraldines often bore the brunt. It is worth noting that the erosion of the English landholdings in Munster was worst in Cork - where Desmond influence was weakest. They also acted to control both the Anglo-Irish and the Irish of the region. Yes, they contributed to the violence and instability in south-west Ireland, but overall it seems they caused far less mayhem than they prevented. Their methods were often brutal and not always legal or acceptable, even by the standards of the time, but they were effective - a quality much admired by the crown and by the Dublin government particularly in its weaker moments or when the earls of Desmond could be put to use in the defence of Munster and Leinster or even in Scotland. It is unquestionable that the earls of Desmond were not model magnates or model agents of the crown, however they were also not an obstruction to the rule of south-west Ireland. The earldom was crucial both to the defence and the rule of the region: minorities and forfeitures give ample proof of what they were keeping in check. The key to the English lordship in south-west Ireland remained, throughout the fourteenth century, the earldom of Desmond.

Appendix A

Sheriffs of Cork¹

(including deputies who account for the office)

From circa:	Until circa:	Office holders	Additional Notes
3 April 1295	c. 1298	Maurice Russell ²	
c. 1298	c. 1302	Cambinus Donati ³	
1302		Maurice Russell ⁴	
Easter 1302	Easter 1308	William Caunton ⁵	
Michaelmas 1309		William Roche ⁶	
Hillary 1310	Easter 1315	Richard Clare ⁷	
Easter 1313	Michaelmas 1315	William Caunton ⁸	Clare's sub-sheriff
Michaelmas 1315	1317	William Caunton ⁹	replaced Clare as sheriff
14 Nov. 1317		Reginald Russel ¹⁰	
Michaelmas 1319	Easter 1325	William son of David Barry ¹¹	
10 Dec. 1319	27 March 1320	John fitz Simon ¹²	[attorney or sub-sheriff]
12 Nov. 1322		Thomas McCotter ¹³	attorney for Barry
Easter 1323	Nov. 1324	Thomas son of Maurice Carew ¹⁴	[attorney or sub-sheriff]
18 June 1325		John le Poer of Dunoyl ¹⁵	
Michaelmas 1325		William son of David Barry ¹⁶	
Michaelmas 1325	Easter 1326	Roger son of John le Poer ¹⁷	
Michaelmas 1329		William Barry ¹⁸	
8 Dec. 1329	1331 ¹⁹	Maurice fitz Thomas, earl of Desmond ²⁰	
		John Tybaud ²¹	<i>locum tenens</i> for Maurice? ²²
Michaelmas 1331	Easter 1335	David son of David Barry ²³	
During Desmond's forfeiture (1331-3)		Robert Barry, Roger le Poer and Milo Courcy ²⁴	Account during Desmond forfeiture - pos. for Barry
Hillary 1335	Michaelmas 1336	Thomas McCotter ²⁵	
Michaelmas 1338	Easter 1339	David (or Thomas) Caunton ²⁶	
Easter 1339		Simon Cantelow ²⁷	
Michaelmas 1339	Easter 1340	David Caunton ²⁸	
Easter 1340	1341	William Barry ²⁹	
1341	1443	Nicholas Barry ³⁰	
Easter 1343	Michaelmas 1344	William son of David Roche of Balymolgole ³¹	
Easter 1345	Easter 1346	David son of David Barry of Castlelethan ³²	
1346	Easter 1348	William Roche ³³	
Michaelmas 1348	Michaelmas 1351	John Carew ³⁴	
12 Jan. 1352	Easter 1352	John Lombard ³⁵	
Easter 1352	Easter 1353	John Carew ³⁶	
Easter 1353	Michaelmas 1355	John Lombard ³⁷	
6 Sept. 1355		Nicholas Courcy ³⁸	
(?1356?)	(?1357?)	Mathew White ³⁹	
	1360	Nicholas Courcy ⁴⁰	
Michaelmas 1360	Easter 1364	John Lombard ⁴¹	
1364		William Caunton ⁴²	
1364	3 May 1368	Maurice fitz Richard ⁴³	
Michaelmas 1368		Richard Wynchedon and William Ilger ⁴⁴	
28 Dec. 1369	1373	John Lombard ⁴⁵	
Easter 1373		John son of Robert Barry ⁴⁶	[attorney or sub-sheriff]

Michaelmas 1373		Maurice fitz Richard ⁴⁷	[attorney or sub-sheriff]
Michaelmas 1373		John le Brett ⁴⁸	[attorney or sub-sheriff]
1373	1374	John son of Robert Barry ⁴⁹	
1374	28 Oct. 1375	John le Brett ⁵⁰	
1375	1376	John son of Robert Barry ⁵¹	
1376	1378	John Warner ⁵²	
1378	1379	John Brit [le Brett?] ⁵³	
	28 Jan. 1382	John Warner ⁵⁴	
30 Jan. 1382		John fitz David Roche ⁵⁵	
1385	1386	Robert Tame ⁵⁶	
1396	1397	John Barry ⁵⁷	
1399	1400	James Butler, earl of Ormond ⁵⁸	
30 March 1400	1400	Robert Cogan ⁵⁹	
1401	1409	John Barry ⁶⁰	

¹ A century ago, H.F. Berry produced a list of sheriffs for Co. Cork, but his list gives less specific information concerning periods of office (H.F. Berry, 'Sheriffs of the County Cork', *JRSAI*, 35 (1905) pp. 39-52). I have drawn on surviving records to give greater detail where possible, but I have drawn on Berry's work, which was based largely on the original Irish pipe rolls (no longer extant), in those instances where the surviving records give insufficient evidence.

² *38th Rep. DKI*, p. 30.

³ *38th Rep. DKI*, pp. 35, 103; Berry, 'Sheriffs', p. 44.

⁴ *38th Rep. DKI*, pp. 35, 103; Berry, 'Sheriffs', p. 44.

⁵ *RIA 12/D/12*, p. 64; *NAI RC 7/13*, p. 32; *RC 8/2*, pp. 374, 443; *RC 8/4*, pp. 1, 182; *IEP*, p. 167; *38th Rep. DKI*, pp. 35, 103.

⁶ *NAI RC 8/4*, p. 418.

⁷ *NAI RC 8/4*, pp. 660, 845; *RC 8/5*, pp. 115, 152, 510; *RC 8/6*, pp. 71, 198; *RC 8/7*, pp. 1, 285; *RC 8/9*, pp. 2, 308, 561; *RC 8/10*, p. 87; *NAI KB 2/12*, m. 9d; *39th Rep. DKI*, p. 73.

⁸ *NAI KB 2/5*, m. 3; *RC 8/7*, p. 372; *39th Rep. DKI*, p. 73.

⁹ *NAI KB 2/12*, m. 9; *RC 8/10*, pp. 537, 590; *39th Rep. DKI*, p. 73; Berry, 'Sheriffs', p. 44.

¹⁰ *NAI KB 2/12*, m. 2d.

¹¹ *NAI RC 8/12*, pp. 1, 291, 330, 403, 541, 604, 678, 783, 787; *RC 8/13*, pp. 1, 52, 180, 335, 406, 510, 538; *RC 8/14*, pp. 1, 89, 90, 93, 116, 138, 204; *42nd Rep. DKI*, pp. 48-9, 60.

¹² *NAI RC 8/12*, pp. 369, 370; *RCH*, p. 27, no. 76; *42nd Rep. DKI*, pp. 48-9.

¹³ *NAI RC 8/13*, p. 52; *42nd Rep. DKI*, p. 60.

¹⁴ *NAI RC 8/13*, p. 161; *42nd Rep. DKI*, p. 60.

¹⁵ *RCH*, p. 32, no. 98.

¹⁶ *NAI RC 8/14*, p. 597; *43rd Rep. DKI*, p. 50.

¹⁷ *NAI RC 8/14*, pp. 605, 738.

¹⁸ *NAI RC 8/15*, pp. 377, 444.

¹⁹ Maurice fitz Thomas was granted the office (by an English writ) 1 Nov. 1329 (*CFR*, 1327-37, p. 153) and presumably held it until his arrest on 16 August 1331 (*St. Mary's Abbey*, ii, p. 376; *Grace*, p. 123). However, he was later called on to account for the period 8 Dec. 1329 until 12 March 1331 (*NAI RC 8/18*, p. 311). 8 December is probably the date he took office but it is unclear why he was only being called on to account until March.

²⁰ *NAI RC 8/15*, pp. 383-4, 541; *RC 8/18*, p. 311; *CFR*, 1327-37, p. 153; *43rd Rep. DKI*, p. 50.

²¹ *NAI RC 8/18*, p. 350.

²² John Tybaud was appointed to account for Maurice's time as sheriff after Maurice restoration in 1333. He may, therefore, have acted in the post while Desmond held it (*NAI RC 8/18*, p. 350).

²³ *NAI RC 8/16*, pp. 1, 349; *RC 8/18*, pp. 70, 102, 269, 290, 395, 491, 607-9; *RCH*, p. 40, no. 116; *43rd Rep. DKI*, p. 50.

²⁴ *43rd Rep. DKI*, p. 50; Berry, 'Sheriffs', p. 45.

²⁵ *NAI RC 8/18*, p. 649; *RC 8/19*, pp. 27-8, 89, 235, 254, 313; *RC 8/20*, p. 306.

²⁶ *NAI RC 8/21*, pp. 1, 187; Berry, 'Sheriffs' p. 45.

²⁷ *NAI RC 8/21*, p. 266.

²⁸ *NAI RC 8/21*, p. 333; *RC 8/22*, p. 1.

²⁹ *NAI RC 8/22*, p. 160; Berry, 'Sheriffs', p. 45.

³⁰ *RCH*, p. 47, no. 142a; Berry, 'Sheriffs', p. 45.

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- ³¹ NAI RC 8/22, pp. 337, 374, 617; *RCH*, p. 47, no. 142b; Berry 'Sheriff', p. 45.
- ³² *RCH*, p. 48, no. 162; NAI RC 8/23, pp. 162, 439, 581; *IEP*, p. 426.
- ³³ NAI RC 8/24, pp. 1-2, 235; Berry 'Sheriff', p. 45.
- ³⁴ NAI RC 8/24, pp. 348, 575, 637; RC 8/25, pp. 89, 94, 243, 299.
- ³⁵ NAI RC 8/25, pp. 565, 600; GO MS 192, p. 95.
- ³⁶ NAI RC 8/25, p. 609; RC 8/26, pp. 1, 118, 207.
- ³⁷ NAI RC 8/27, p. 33; RC 8/26, pp. 143, 261, 406, 421, 442, 525, 534-5.
- ³⁸ NAI RC 8/27, pp. 1, 311, 461; *RCH*, p. 56, nos. 65-7; p. 57, nos. 99-104; p. 73, no. 33.
- ³⁹ NAI RC 8/27, pp. 461, 468.
- ⁴⁰ NAI RC 8/27, pp. 1, 311, 461; *RCH*, p. 56, nos. 65-7; p. 57, nos. 99-104; p. 73, no. 33.
- ⁴¹ *RCH*, p. 83, no. 85; NAI RC 8/27, pp. 484, 592; RC 8/28, pp. 4, 34, 171, 303, 375.
- ⁴² Berry 'Sheriffs', p. 45.
- ⁴³ NAI RC 8/28, pp. 577-8; RC 8/29, pp. 5, 174, 267-8, 404; RC 8/31, pp. 396-400; *IEP*, pp. 521-2; Berry, 'Sheriffs', p.45.
- ⁴⁴ NAI RC 8/30, p. 1; Berry, 'Sheriffs', p.45.
- ⁴⁵ *Doc. Aff.*, p. 230, no. 241; *IEP*, p. 528.
- ⁴⁶ NAI RC 8/30, pp. 120, 122; RC 8/31, p. 515.
- ⁴⁷ NAI RC 8/30, p. 115.
- ⁴⁸ *RCH*, p. 95, nos. 181-98; p. 98, no. 265; NAI RC 8/30, p. 117; RC 8/31, pp. 58-9, 62; RC 8/32, p. 47.
- ⁴⁹ Berry 'Sheriffs', p. 45.
- ⁵⁰ *RCH*, p. 95, nos. 181-98; p. 98, no. 265; NAI RC 8/30, p. 117; RC 8/31, pp. 58-9, 62; RC 8/32, p. 47; Berry 'Sheriffs', p. 45.
- ⁵¹ Berry 'Sheriffs', p. 45.
- ⁵² *RCH*, p. 114, nos. 193-4; p. 121, no. 87; *Doc. Aff.*, pp. 237-8, no. 252; Berry 'Sheriffs', p. 45.
- ⁵³ Berry 'Sheriffs', p. 45.
- ⁵⁴ *RCH*, p. 114, nos. 193-4; p. 121, no. 87; *Doc. Aff.*, pp. 237-8, no. 252; Berry 'Sheriffs', p. 45.
- ⁵⁵ *RCH*, p. 111, no. 76.
- ⁵⁶ *RCH*, p. 127, no. 238; Berry 'Sheriffs', p. 45.
- ⁵⁷ NAI RC 8/33, p. 175.
- ⁵⁸ Berry 'Sheriffs', p. 45.
- ⁵⁹ *RCH*, p. 156, no. 32; Berry 'Sheriffs', p. 45.
- ⁶⁰ NAI RC 8/33, pp. 187, 189-90, 192; Berry 'Sheriffs', p. 45.

Appendix B

Sheriffs of Waterford¹

(including deputies who account for the office)

From circa:	Until circa:	Office holders	Additional Notes
11 Nov. 1293	21 Dec. 1297	Maurice Russell	
21 Dec. 1297	24 Nov. 1300	John Barrett	
24 Nov. 1300	12 Aug. 1301	Richard Valle	
Michaelmas 1301		Jordan Exeter	
15 Feb. 1302	9 Aug. 1305	Maurice Russell ²	
9 Aug. 1305	8 Feb. 1306	John le Poer, baron of Dunoyl ³	
Michaelmas 1304		David Brown ⁴	attorney for le Poer
8 Feb. 1306	Michaelmas 1308	Richard Blakeman le Poer ⁵	
1308	Michaelmas 1311	John son of John le Poer ⁶	
1311		David Brown ⁷	le Poer's sub-sheriff
14 Jan. 1312	Michaelmas 1312	John le Poer, baron of Dunoyl ⁸	
19 Nov. 1312	30 April 1314	John son of William Butler ⁹	
12 Dec. 1314	13 Nov. 1315	Phillip Christopher	
Easter 1315		Walter Skidye ¹⁰	
Easter 1316		John son of William Butler ¹¹	
Before Michaelmas 1317		Robert Marisco	
6 Dec. 1316	6 Dec. 1318	Theobald le Poer ¹²	
5 Dec. 1318	May 1319	Roger son of John le Poer ¹³	
30 May 1319	31 July 1320	John Stanes ¹⁴	
12 Aug. 1320	Trinity 1326	Theobald le Poer ¹⁵	
Hilary 1327		Stephen Franceis ¹⁶	
17 March 1327	28 Jan. 1328	William son of Richard Butler ¹⁷	
1328	1329	Richard Daundon	
8 Dec. 1329	1331 ¹⁸	Maurice fitz Thomas, earl of Desmond ¹⁹	
17 Jan. 1330		Nicholas Christopher ²⁰	locum tenens for Maurice
		Richard Beaumont ²¹	locum tenens for Maurice? ²²
Michaelmas 1331		Richard Auton ²³	
19 Nov. 1331	25 Feb. 1332	Richard le Waleys ²⁴	
25 Feb. 1332	14 June 1333	George le Poer ²⁵	
14 June 1333	10 Sept. 1333	Richard Whittey ²⁶	
19 Oct. 1333	2 June 1335	John Stapelton ²⁷	
24 June 1335	25 May 1336	Adam son of Benedict le Poer	
25 May 1336	20 July 1337	William son of Geoffrey fitz David	
20 July 1337	22 April 1338	Geoffrey Gascoin	
22 April 1338	Michaelmas 1338	Andrew son of Edmund le Poer ²⁸	
Michaelmas 1339		Thomas l'Engleys	
Easter 1340	Hilary 1343	David Russel	
6 May 1343	Easter 1345	Richard de la Rochelle ²⁹	
1345?		David Christopher ³⁰	
1 July 1345	Michaelmas 1345	Nicholas Brown ³¹	
Easter 1346		John le Poer baron of Dunoyl	
Hilary 1347		Thomas Bentham	
Michaelmas 1347	Hilary 1349	Adam Barry ³²	
Easter 1349	Easter 1350	Richard son of Thomas Butler ³³	

Michaelmas 1350		William son of John le Poer baron of Dunoyl ³⁴	
Easter 1351		Mathew le Poer	
21 June 1351	Michaelmas 1355	Henry son of Walter le Poer ³⁵	
19 Nov. 1355		Peter son of Roger le Poer ³⁶	
11 Nov. 1356	6 June 1357	William Sandhull	
Michaelmas 1357	13 Jan. 1360	Peter son of Roger le Poer ³⁷	
28 March 1360	8 Nov. 1360	Richard son of Johns le Poer ³⁸	
19 Oct. 1360	10 July 1361	John son of Edmund le Poer	
Michaelmas 1361		William Sandhull	
19 Jan. 1362	28 Oct. 1362	Maurice Mandeville ³⁹	
12 Jan. 1363	16 March 1365	John son of Geoffrey le Poer ⁴⁰	
Easter 1365	20 April 1366	Nicholas le Poer of Kilmeadan ⁴¹	
		Robert Baynard ⁴²	le Poer's sub-sheriff
20 April 1366	Died before 4 July 1366	John son of Geoffrey le Poer of Balydonwys ⁴³	
4 July 1366	Trinity 1367	Richard son of Thomas Butler of Kyllosheran ⁴⁴	
4 Sept. 1368		Nicholas Deveneys	
15 Oct. 1368	9 Feb. 1371	John son of Geoffrey le Poer ⁴⁵	
9 Feb. 1371	12 Aug. 1373	Nicholas le Poer ⁴⁶	
12 Aug. 1373	3 July 1375	John son of Geoffrey le Poer ⁴⁷	
1 July 1375	29 Jan. 1376	Edmund Haket ⁴⁸	
Michaelmas 1376		David Caunton	
Easter 1377		Edmund Haket	
1377-8		Walter le Poer	
1380-1		Richard Aylward	
21 Nov. 1384		Phillip Crafford	
26 July 1392		Walter son of Peter le Poer ⁴⁹	
1392	25 Jan. 1393	Roger Franceis	
17 Feb. 1393		John of Desmond	
Michaelmas 1396		Adam fitz David	
Michaelmas 1397		Edmund le Poer	
Hilary 1400		Adam fitz David	

¹ This table is based on the list of sheriffs of Co. Waterford produced by C. Parker (C. Parker, 'The politics and society of County Waterford in the thirteenth and fourteenth centuries', Ph.D. thesis (TCD, 1992) pp. 364-71). The footnotes give additional references omitted from Parker's notes (Parker's references indicate his sources for the start and end of each term of office).

² NAI RC 8/2, p. 374; 38th Rep. DKI, p. 102.

³ NAI RC 8/2, pp. 427, 442; 38th Rep. DKI, p. 102.

⁴ NAI RC 8/2, p. 440.

⁵ NAI RC 8/2, p. 474; RC 8/4, pp. 1, 182; RIA 12/D/12, p. 64; 39th Rep. DKI, p. 26; 38th Rep. DKI, p. 102.

⁶ NAI RC 7/13, p. 64; RC 8/4, pp. 417, 660, 732, 816, 853, 865; RC 8/5, pp. 152, 510; RC 8/6, p. 1.

⁷ NAI RC 8/5, p. 673.

⁸ NAI RC 8/6, p. 201; RC 8/7, pp. 1, 125.

⁹ NAI KB 2/5, m. 23d; KB 2/6, m. 4; RC 8/7, p. 288; RC 8/9, pp. 243, 310, 562.

¹⁰ NAI RC 8/10, p. 87.

¹¹ NAI KB 2/12, m. 10d; RC 8/10, p. 589; 39th Rep. DKI, p. 68.

¹² NAI KB 2/8, m. 15d; 42nd Rep. DKI, p. 27.

¹³ NAI RC 8/12, pp. 87, 251. 'Reginald' in 42nd Rep. DKI, p. 39.

¹⁴ NAI RC 8/12, pp. 1, 292, 359, 491.

¹⁵ NAI RC 8/12, pp. 464, 541, 663, 668, 708, 754; RC 8/13, pp. 1, 67, 162-4, 172, 315, 336, 347, 483, 510, 539; RC 8/14, pp. 1, 105, 185, 204, 597, 738, 817, 867.

¹⁶ NAI RC 8/15, pp. 377, 523.

¹⁷ NAI RC 8/15, pp. 123-4.

- ¹⁸ Maurice fitz Thomas was granted the office (by an English writ) 1 Nov. 1329 (*CFR*, 1327-37, p. 153) and presumably held it until his arrest on 16 August 1331 (*St. Mary's Abbey*, ii, p. 376; *Grace*, p. 123). However, he was later called on to account for the period 8 Dec. 1329 until 12 March 1331 (NAI RC 8/18, p. 311). 8 December is probably the date he took office but it is unclear why he was only being called on to account until March.
- ¹⁹ NAI RC 8/15, pp. 383-4, 541; RC 8/18, p. 311; *CFR*, 1327-37, p. 153; *43rd Rep. DKL*, p. 50.
- ²⁰ NAI RC 8/15, pp. 123-4, 485.
- ²¹ NAI RC 8/18, pp. 350, 452-3.
- ²² Richard Beaumont was appointed to account for Maurice's time as sheriff after Maurice's restoration in 1333. He may, therefore, have acted in the post while Desmond held it (NAI RC 8/18, p. 350).
- ²³ NAI RC 8/16, p. 1. Richard Auton may have been a deputy for fitz Thomas or le Waleys or he may have held the office briefly after the forfeiture of Maurice fitz Thomas.
- ²⁴ NAI RC 8/16, pp. 35, 452-3.
- ²⁵ NAI RC 8/16, pp. 280, 452-3.
- ²⁶ NAI RC 8/18, pp. 64, 452-3.
- ²⁷ NAI RC 8/18, pp. 269, 452-3, 491.
- ²⁸ NAI RC 8/21, p. 1.
- ²⁹ NAI RC 8/23, pp. 161, 337, 407; *RCH*, p. 44, no. 39.
- ³⁰ In 1347, David Christopher was named as a former sheriff. Parker suggests he may have served briefly in 1345 (Parker, 'Politics and society', p. 368).
- ³¹ NAI RC 8/23, p. 439.
- ³² NAI RC 8/24, pp. 235, 348.
- ³³ NAI RC 8/25, pp. 93, 173.
- ³⁴ He may have been accounting for his father's term as sheriff (NAI RC 8/25, p. 240).
- ³⁵ NAI RC 8/25, pp. 299, 599, 672; RC 8/26, pp. 1, 113, 118, 143, 228, 381, 394, 442, 516, 525; RC 8/27, p. 2.
- ³⁶ *RCH*, p. 57, nos. 106-9.
- ³⁷ NAI RC 8/27, p. 311.
- ³⁸ NAI RC 8/27, p. 484.
- ³⁹ NAI RC 8/28, pp. 104, 171.
- ⁴⁰ NAI RC 8/28, pp. 303, 375, 447.
- ⁴¹ NAI RC 8/29, pp. 5, 8, 635.
- ⁴² NAI RC 8/28, p. 635.
- ⁴³ NAI RC 8/29, pp. 173-4.
- ⁴⁴ NAI RC 8/29, pp. 220, 267, 404.
- ⁴⁵ NAI RC 8/30, p. 1.
- ⁴⁶ *RCH*, p. 82, no. 73.
- ⁴⁷ NAI RC 8/30, pp. 117, 121; RC 8/31, pp. 57, 59, 61.
- ⁴⁸ *RCH*, p. 98, no. 265.
- ⁴⁹ *RCH*, p. 149, no. 78.

Appendix C

Sheriffs of Limerick

(including deputies who account for the office)

From <i>circa</i>:	Until <i>circa</i>:	Office holders	Additional Notes
1299	Michaelmas 1302	Nicholas le Deveneys and Robert Bagot ¹	
Michaelmas 1302	Nov. 1308	Cambinus Donati ²	
Michaelmas 1309	12 Nov. 1313	John de Athy ³	
Michaelmas 1312		Reginald Brown ⁴ sheriff of Kerry	accounted for Athy ⁵
	Michaelmas 1313	Robert de Boneville ⁶	Athy's sub-sheriff
		Henry son of Henry de Berkeley ⁷	Athy's sub-sheriff
Hillary 1314	Trinity 1314	Hugh de Lees ⁸	
1 Jan. 1315		Ralph fitz Milo, clerk ⁹	
Easter 1315		John 'Asmo' ¹⁰	
Easter 1316		Cambrinus Donoti ¹¹	
Nov. 1317		James de Beauf ¹²	
		William fitz Phillip ¹³	Sheriff prior to 1318
14 Jan. 1318		James de Caunton ¹⁴	
Michaelmas 1319	Trinity 1321	James Beauf ¹⁵	
Michaelmas 1321	Easter 1324	Walter Butler ¹⁶	
Michaelmas 1324	Trinity 1326	James de Beauf ¹⁷	
c. 1326	c. 1329 ¹⁸	Thomas de Lees and John fitz Maurice ¹⁹	
Michaelmas 1329	Easter 1330	James de Beauf ²⁰	
8 May 1330		Thomas de Lees ²¹	
Michaelmas 1331	1334?	John fitz Simon ²²	
Michaelmas 1334	1334	Nicholas Ulf ²³	
1334/5		William Bagot ²⁴	
Easter 1335	Easter 1336	John fitz Simon ²⁵	
	Michaelmas 1338	John Daundon ²⁶	
Michaelmas 1338		John son of George Roche ²⁷	
Easter 1339	Michaelmas 1339	John Daundon ²⁸	
Michaelmas 1339	Easter 1340	Geoffrey Cocus ²⁹	
Michaelmas 1342	Easter 1343	Maurice Cadygan ³⁰	
Easter 1343		Nicholas Ulf ³¹	
Michaelmas	1343	Maurice Cadygan ³²	
Easter	1345	Thomas Cappella ³³	
Michaelmas?	1344 (45?)	Thomas Cappella ³⁴	
Easter 1346	Michaelmas 1347	John fitz Simon ³⁵	
Michaelmas 1347		Nicholas Ulf ³⁶	
Easter 1348	Michaelmas 1348	John fitz Simon ³⁷	
Easter 1349	Michaelmas 1350	Maurice Lees ³⁸	
Easter 1351	13 Nov. 1355	Thomas Daundon ³⁹	
28 July 1356		Maurice Cadygan ⁴⁰	
Michaelmas 1357		James Lees ⁴¹	
Michaelmas 1361		Ode Valle ⁴²	
Easter 1362	Trinity 1364	Patrick Fox ⁴³	
Michaelmas	1364	James Lees ⁴⁴	
4 Nov. 1365		Patrick Fox ⁴⁵	
Michaelmas 1366	Easter 1367	Patrick Gowles ⁴⁶	

Michaelmas 1368		Patrick Fox ⁴⁷	
Served before 1374		Walter l'Enfaunt ⁴⁸	
	20 Jan. 1372	William Cadygan ⁴⁹	
Michaelmas 1373	Michaelmas 1374	John Daundon ⁵⁰	
Michaelmas 1374	Michaelmas 1375	Thomas Clifford ⁵¹	
Michaelmas 1375		John Saunders ⁵²	
Michaelmas 1405	Easter 1406	Thomas fitz Maurice ⁵³	

¹ NAI RC 8/1, p. 295; 38th Rep. DKI, p. 74.

² NAI RC 8/2, pp. 374, 454, 461, 474, 506; RC 8/4, pp. 1, 183; 38th Rep. DKI, p. 74; 39th Rep. DKI, p. 26.

³ NAI KB 2/5, m. 20d; RC 8/4, pp. 417, 660; RC 8/5, pp. 151, 510; RC 8/6, pp. 2, 198; RC 8/7, pp. 2, 41, 242, 286; RC 8/9, pp. 2, 6, 435; 39th Rep. DKI, p. 48.

⁴ NAI RC 8/7, p. 2; 39th Rep. DKI, p. 48.

⁵ See Appendix E, p. 298 - Reginald Brown.

⁶ NAI RC 8/7, p. 244.

⁷ NAI KB 2/6, m. 5, 6d.

⁸ NAI RC 8/9, pp. 253, 307, 561.

⁹ NAI KB 2/9, m. 13.

¹⁰ NAI RC 8/10, p. 86.

¹¹ NAI RC 8/10, p. 590; KB 1/2, m. 18d.

¹² NAI KB 2/9, m. 12d.

¹³ RCH, p. 25, no. 176.

¹⁴ NAI KB 2/10, m. 8; RCH, p. 25, no. 167.

¹⁵ NAI RC 8/12, pp. 1, 137, 250, 291, 484; 42nd Rep. DKI, p. 46.

¹⁶ NAI RC 8/12, p. 541; RC 8/13, pp. 38, 161, 181, 184, 196, 221, 283, 315, 335, 365, 413, 419, 457-8, 510; 42nd Rep. DKI, pp. 46, 72.

¹⁷ NAI RC 8/14, pp. 74, 203, 254-5, 597, 604, 738; 42nd Rep. DKI, p. 72.

¹⁸ Thomas Lees and John fitz Maurice accounted, with James Beauford, for the period Feb. 1326 - April 1329.

¹⁹ 43rd Rep. DKI, p. 15; NAI RC 8/15, p. 521.

²⁰ NAI RC 8/14, p. 823; RC 8/15, pp. 377, 467-8, 541; 43rd Rep. DKI, p. 49.

²¹ NAI RC 8/15, p. 558; RC 8/16, p. 476; 43rd Rep. DKI, p. 49.

²² NAI RC 8/16, pp. 1, 280, 447; RC 8/18, p. 435; 43rd Rep. DKI, p. 49.

²³ NAI RC 8/18, p. 269.

²⁴ NAI RC 8/18, p. 471.

²⁵ NAI RC 8/18, p. 491; RC 8/19, p. 244.

²⁶ NAI RC 8/21, p. 1.

²⁷ NAI RC 8/21, p. 105.

²⁸ NAI RC 8/21, pp. 187, 333.

²⁹ NAI RC 8/21, pp. 387, 389; RC 8/22, p. 1.

³⁰ NAI RC 8/22, pp. 173, 374.

³¹ NAI RC 8/22, p. 480.

³² NAI RC 8/22, p. 617.

³³ NAI RC 8/23, p. 162.

³⁴ NAI RC 8/23, p. 337.

³⁵ NAI RC 8/23, p. 581; RC 8/24, p. 1.

³⁶ NAI RC 8/24, p. 89.

³⁷ NAI RC 8/24, pp. 235, 348.

³⁸ NAI RC 8/24, p. 575; RC 8/25, pp. 38, 88, 94, 157, 239.

³⁹ NAI RC 8/25, pp. 243, 299, 599, 629, 643; RC 8/26, pp. 1, 118, 143, 261, 361, 386, 420, 442, 525; RC 8/27, p. 15; RCH, p. 56, nos. 73-4; p. 57, nos. 99-104.

⁴⁰ RCH, p. 64, no. 142.

⁴¹ NAI RC 8/27, pp. 217, 311, 485; RC 8/28, pp. 31, 45.

⁴² NAI RC 8/28, p. 4.

⁴³ NAI RC 8/28, pp. 106-7, 171, 255, 303, 375, 391-3, 426-7, 466, 473-5.

⁴⁴ NAI RC 8/28, p. 448; RC 8/30, pp. 322-3.

⁴⁵ NAI RC 8/28, p. 572; RC 8/29, p. 5.

⁴⁶ NAI RC 8/29, pp. 267, 279, 404; RC 8/30, pp. 322-3.

⁴⁷ NAI RC 8/30, p. 1, 322-3.

⁴⁸ NAI RC 8/30, pp. 322-3. In 1374, Walter l'Enfaunt was said to have debts for his time as sheriff. He probably served between Patrick Fox and William Cadygan.

⁴⁹ *RCH*, p. 84, no. 135.

⁵⁰ NAI RC 8/30, pp. 117, 120, 122; RC 8/31, pp. 57, 59.

⁵¹ NAI RC 8/31, p. 62; RC 8/32, p. 47; *RCH*, p. 91, no. 29; p. 99, no. 281.

⁵² NAI RC 8/32, p. 306.

⁵³ NAI RC 8/33, pp. 188-90, 192.

Appendix D

Sheriffs of Tipperary

From <i>circa</i>:	Until <i>circa</i>:	Office holders	Additional Notes
1294-5		Walter le Brett ¹	
24 June 1296	26 May 1297	Adam St. Aubyn ²	
26 May 1297	Hilary 1298	Thomas St. John ³	
24 June 1300	17 July 1304	Walter le Bret, George Roche, and Thomas Stanes ⁴	
17 July 1304	1 Aug 1305	Henry Haket ⁵	
Michaelmas 1305	Easter 1306	John Rys ⁶	
Easter 1306	1307	Henry Haket ⁷	
1307	Easter 1308	Fulk de la Freigne ⁸	
June 1309	Hilary 1310	Walter le Brett ⁹	
Easter 1310	Michaelmas 1313	Richard le Poer ¹⁰	
Hilary 1314	Easter 1316	William fitz Richard ¹¹	
22 Aug. 1317	Nov 1318	John Pembroke ¹²	
	Michaelmas 1319	William Bermingham ¹³	
26 Nov. 1319		Mathew Milleborne ¹⁴	
		Raymond Archdeacon ¹⁵	
18 Aug 1321	25 May 1322	Richard Valle ¹⁶	
Michaelmas 1322	Hilary 1323	John l'Engleys ¹⁷	
March 1323	Michaelmas 1324	Henry Haket ¹⁸	
Michaelmas 1324	Easter 1325	Richard le Poer ¹⁹	
Michaelmas 1325	Trinity 1326	John Maunsell ²⁰	
Michaelmas 1327	11 April 1329	Edmund Butler ²¹	

Sheriffs of the Crosslands of Tipperary²²

From <i>circa</i>:	Until <i>circa</i>:	Office holders	Additional Notes
Michaelmas 1329	1331	John Maunsell ²³	
15 Feb. 1331	26 Sept. 1331	Adam London	
June 1333	July 1336	Thomas Stoketon	
July 1336	July 1338	Edmund Bermingham ²⁴	
Trinity 1338		Walter Valle	
13 Oct. 1338	17 Jan. 1339	Philip son of Geoffrey Prendergast ²⁵	
17 Jan. 1339	April 1340	Thomas fitz John ²⁶	
1342	Michaelmas 1344	John Laffan ²⁷	
	5 Feb. 1345	John Purcell ²⁸	
5 Feb. 1345	Easter 1346	John Laffan ²⁹	
Michaelmas 1347	Trinity 1349	Gilbert Bermingham ³⁰	
Michaelmas 1349	Easter 1350	Robert Maydewell ³¹	
Easter 1351	Trinity 1353	Gilbert Birmingham ³²	
14 Nov. 1353		Andrew Haket	
Easter 1354	Michaelmas 1355	Robert Maydewell ³³	
18 Oct. 1355		Andrew Haket	
8 Dec. 1356	Easter 1367	Roger St. Brigid	
Michaelmas 1368	Easter 1369	William son of Robert Haket	
March 1372	Michaelmas 1373	John Mauclerk ³⁴	
28 Sept. 1374	Easter 1375	William de la Rochelle ³⁵	

	22 Aug. 1381	Edmund le Poer	
22 Aug. 1381		Humphrey Comyn	
26 May 1400		Edmund le Poer	

¹ *RCH*, p. 4, no. 47.

² *38th Rep. DKI*, p. 29.

³ *38th Rep. DKI*, p. 29.

⁴ NAI RC 8/2, pp. 326, 335, 355; *38th Rep. DKI*, p. 89.

⁵ NAI RC 8/2, pp. 375, 384, 391, 400, 428, 436; *38th Rep. DKI*, p. 89.

⁶ NAI RC 8/2, pp. 442, 455.

⁷ NAI KB 2/10, m. 12d; RC 8/2, p. 455; RIA 12/D/12, p. 64; *RCH*, p. 12, no. 15.

⁸ NAI RC 8/4, p. 183; RIA 12/D/12, p. 64.

⁹ NAI RC 8/4, pp. 417, 661; *39th Rep. DKI*, p. 46.

¹⁰ NAI RC 8/4, p. 703; RC 8/5, pp. 151, 510; RC 8/6, pp. 2, 198; RC 8/7, pp. 1, 130, 287; RC 8/9, p. 2; *39th Rep. DKI*, p. 46; *42nd Rep. DKI*, p. 11.

¹¹ NAI RC 8/9, pp. 307, 562; RC 8/10, p. 590; *42nd Rep. DKI*, p. 11; *47th Rep. DKI*, p. 25.

¹² NAI KB 1/2, m. 1d; KB 2/12, m. 10d; *RCH*, p. 23, no. 79; *42nd Rep. DKI*, p. 11.

¹³ NAI RC 8/12, p. 3; *42nd Rep. DKI*, p. 42.

¹⁴ *RCH*, p. 27, no. 69; *42nd Rep. DKI*, p. 42.

¹⁵ *42nd Rep. DKI*, p. 42.

¹⁶ NAI RC 8/12, p. 541; *42nd Rep. DKI*, pp. 42, 44.

¹⁷ NAI RC 8/13, pp. 1, 314; *42nd Rep. DKI*, p. 42.

¹⁸ NAI RC 8/13, pp. 336, 407, 511, 538; *42nd Rep. DKI*, p. 42, 69.

¹⁹ NAI RC 8/14, pp. 1, 204; *42nd Rep. DKI*, p. 69.

²⁰ NAI RC 8/14, pp. 597, 601, 738, 826; *42nd Rep. DKI*, p. 69; *45th Rep. DKI*, p. 33.

²¹ *45th Rep. DKI*, p. 33. The entry indicates Edmund Butler held office for 2½ years after Michaelmas 1327. However, a later pipe roll indicates that he only held office until April 1329 (*47th Rep. DKI*, p. 26).

²² This table is based on the lists of sheriffs of Co. Tipperary and sheriffs of the crosslands of Co.

Tipperary produced by C.A. Empey (C.A. Empey, 'The Butler Lordship in Ireland 1185-1515', Ph.D. thesis, (TCD, 1970) pp. xxxviii-xlvii). The footnotes give additional references omitted from Empey's notes.

²³ NAI RC 8/15, pp. 435, 524; *42nd Rep. DKI*, p. 69.

²⁴ *47th Rep. DKI*, p. 24.

²⁵ *47th Rep. DKI*, p. 24.

²⁶ *47th Rep. DKI*, p. 24.

²⁷ NAI RC 8/23, pp. 403, 408.

²⁸ NAI RC 8/23, p. 319.

²⁹ NAI RC 8/23, pp. 161, 319, 439, 581.

³⁰ NAI RC 8/24, pp. 348; RC 8/25, p. 94.

³¹ NAI RC 8/25, p. 173.

³² NAI RC 8/25, p. 599; RC 8/26, p. 119.

³³ NAI RC 8/27, p. 1.

³⁴ *RCH*, p. 84, no. 130.

³⁵ *IEP*, p. 534.

Appendix E

Sheriffs of Kerry

(including deputies who account for the office)

From circa:	Until circa:	Office holders	Additional Notes
24 June 1295	24 June 1301	Richard de Cantelow ¹	
24 June 1301	Michaelmas 1304	Phillip de Valle ²³	
Michaelmas 1307	Michaelmas 1309	David fitz Gerald ⁴	
Michaelmas 1310	Michaelmas 1313	Reginald Brown ⁵	
Michaelmas 1313		John de Athy, sheriff of Lim. ⁶	accounted for Brown ⁷
Hillary 1314		John fitz Simon ⁸	
Easter 1315		Simon Ugan ⁹	
Easter 1316		Ralph de Sharpenham ¹⁰	
18 Jan 1318		Phillip de Valle ¹¹	
Michaelmas 1319		Mathew fitz Gerald ¹²	
		Nicholas de Stanford ¹³	
	Michaelmas 1321	Maurice fitz John ¹⁴	
Michaelmas 1321	Michaelmas 1322	Peter fitz Maurice ¹⁵	
Michaelmas 1322	Trinity 1326	Philip le Bret ¹⁶	

Sheriffs of the Crosslands of Kerry

(including deputies who account for the office)

From circa:	Until circa:	Office holders	Additional Notes
Michaelmas 1329		Richard fitz Maurice ¹⁷	
	Michaelmas 1331	Maurice fitz Nicholas ¹⁸	
Michaelmas 1331	Easter 1332	Nicholas fitz Maurice ¹⁹	
Michaelmas 1334	Easter 1335	Maurice fitz Nicholas ²⁰	
Michaelmas 1338	Easter 1343	John Cromelin ²¹	
Michaelmas 1344	Easter 1348	William Stakepoll ²²	
Hilary 1347	Easter 1348	Maurice de Cantelow ²³	<i>locum tenens</i> for Stakepoll
Easter 1348	Trinity 1348	Gilbert son of John Brown ²⁴	
Easter 1349	Trinity 1349	Maurice de Cantelow ²⁵	
	Easter 1352	John Stakepoll ²⁶	
Easter 1352	Michaelmas 1357	William Stakepoll ²⁷	
Michaelmas 1360	Easter 1365	John fitz Nicholas ²⁸	
Michaelmas 1365	Easter 1367	Thomas Stakepoll ²⁹	
Michaelmas 1368		John fitz Nicholas ³⁰	
Michaelmas 1373	Michaelmas 1375	Maurice fitz Richard ³¹	
	5 July 1381	Nicholas son of Geoffrey 'McRobok' ³²	
5 July 1381		Gerald fitz Mathew fitz Maurice ³³	
12 April 1386		John fitz Maurice ³⁴	
Michaelmas 1397		Thomas Stakepoll ³⁵	
15 Feb. 1401		John fitz Maurice of Kerry ³⁶	
Easter 1406		John More ³⁷	

¹ 38th Rep. DKI, p. 55.

² 38th Rep. DKI, p. 97.

³ NAI RC 8/2, pp. 417, 429.

⁴ NAI RC 8/4, pp. 1, 182, 418; RIA 12/D/12, p. 64.

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- ⁵ NAI RC 8/5, pp. 152, 510; RC 8/6, pp. 2, 201; RC 8/7, pp. 1, 285.
- ⁶ NAI RC 8/9, p. 2.
- ⁷ See Appendix C, p. 293 – John Athy.
- ⁸ NAI RC 8/9, p. 310.
- ⁹ NAI RC 8/10, p. 87.
- ¹⁰ NAI RC 8/10, p. 590.
- ¹¹ *RCH*, p. 23, no. 76.
- ¹² NAI RC 8/12, p. 1; *RCH*, p. 27, no. 73.
- ¹³ *Doc. Aff.*, p. 104, no. 104.
- ¹⁴ NAI RC 8/12, p. 542.
- ¹⁵ NAI RC 8/12, p. 581; RC 8/13, p. 1.
- ¹⁶ NAI RC 8/13, pp. 35, 161, 335, 479, 500, 511; RC 8/14, pp. 1, 117, 204, 597, 637, 738, 838; 42nd *Rep. DKI*, p. 69.
- ¹⁷ NAI RC 8/15, p. 377.
- ¹⁸ NAI RC 8/16, p. 217.
- ¹⁹ NAI RC 8/16, pp. 2, 281.
- ²⁰ NAI RC 8/18, pp. 269, 492.
- ²¹ NAI RC 8/21, pp. 2, 187; RC 8/22, pp. 1, 173, 375.
- ²² NAI RC 8/23, pp. 162, 337, 439; RC 8/24, pp. 1, 235, 348.
- ²³ NAI RC 8/25, pp. 647-9.
- ²⁴ NAI RC 8/24, pp. 259, 342.
- ²⁵ NAI RC 8/24, p. 575; RC 8/25, pp. 89, 94, 137-8.
- ²⁶ NAI RC 8/25, p. 600. It is possible that John S. was succeeded by William S. but it is also possible that John accounted for William as his attorney or that this was a scribal or transcription error.
- ²⁷ NAI RC 8/25, pp. 647-9; RC 8/26, pp. 144, 261, 328, 390, 442, 525, 569; RC 8/27, pp. 2, 217; *RCH*, p. 56, nos. 77-8; p. 57, nos. 99-104.
- ²⁸ NAI RC 8/27, pp. 484-5; RC 8/28, pp. 5, 172, 303-4, 376, 448, 565, 578.
- ²⁹ NAI RC 8/29, pp. 6, 269, 404.
- ³⁰ NAI RC 8/30, p. 1.
- ³¹ NAI RC 8/30, pp. 117, 120, 122; RC 8/31, pp. 57, 59, 63; RC 8/32, p. 47.
- ³² *RCH*, p. 113, nos. 161-2.
- ³³ *RCH*, p. 113, nos. 161-2.
- ³⁴ *RCH*, p. 125, nos. 114-5.
- ³⁵ NAI RC 8/33, p. 175.
- ³⁶ NAI MFS 42/1, p. 50.
- ³⁷ NAI RC 8/33, pp. 191-2.

Appendix F

Seneschals of Kerry

From <i>circa</i> :	Until <i>circa</i> :	Office holders
Michaelmas 1329	Easter 1330	John Coterel ¹
Michaelmas 1331	Oct. 1345	John Inscoul ²
Easter 1351	Sept. 1353	Robert L'Enfaunt ³
Sept. 1353	Michaelmas 1355	Nicholas de la Pull ⁴
Michaelmas 1357	Michaelmas 1359	Robert L'Enfaunt ⁵
Michaelmas 1360	Michaelmas 1368	Walter L'Enfaunt ⁶
Michaelmas 1373	Michaelmas 1375	Patrick Fox ⁷

¹ NAI RC 8/15, pp. 412, 541.

² NAI RC 8/16, p. 2; RC 8/18, p. 492; RC 8/21, pp. 2, 333; RC 8/22, pp. 375, 617; RC 8/23, p. 338. Inscoul continued to be called on to account for his time as seneschal for several years after Maurice fitz Thomas's forfeiture but his appearance on two juries in Kilmallock, Co. Limerick testifying against Desmond in late October 1345 suggests he had left the earl's service by that time (Leg. Proc., p. 42).

³ NAI RC 8/25, pp. 243, 300, 493-4, 601, 678; RC 8/26, pp. 2, 13, 118, 144, 368.

⁴ NAI RC 8/26, pp. 257, 262, 324, 443, 526; RC 8/27, p. 2.

⁵ NAI RC 8/27, pp. 218, 485. Robert L'Enfaunt was probably replaced by Walter L'Enfaunt, but exactly when the changeover took place is unclear. The dates given here represent the last time Robert accounted and the first time Walter accounted.

⁶ NAI RC 8/28, pp. 5, 109, 172, 304, 366, 376, 449, 473-5, 565, 579; RC 8/29, pp. 6, 267-8, 280, 384, 405; RC 8/30, p. 2. Walter L'Enfaunt was probably replaced by Patrick Fox, but exactly when the changeover took place is impossible to date due to the loss of the memoranda rolls for this period. The dates given here represent the last surviving account by Walter and the first surviving account by Patrick. There is, of course, the possibility that someone else may have briefly served as seneschal at this point, but it seems unlikely.

⁷ NAI RC 8/30, pp. 116, 118, 121, 123; RC 8/31, pp. 42, 58, 60, 63; RC 8/32, p. 48. A gap in the surviving calendar of the memoranda rolls makes it impossible to ascertain how long Patrick served or who replaced him.

Appendix G

The Irish in Desmond's service in the 1320s and 1340s

(based on the inquisitions taken against the first earl of Desmond¹)

The inquisitions taken against Maurice fitz Thomas list a number of Irish lineages and individuals who supplied military service to Maurice fitz Thomas during the 1320s and 1340s. However when the inquisitions were published, no attempt was made to identify the Irish lineages. The following table gives a list of the Irish lineages named in the inquisitions (on the left) and probable readings of those names (on the right).

The names of individuals referred to in this thesis who are named in full in the inquisitions are given in full below. In all other cases, only the lineage is given. In two instances, Anglo-Irish lineages are referred to by seemingly Irish names – they have been included in italics.

The Irish in Desmond's service: 1320s²

Name Given in the Inquisitions	Identification
Willelmum Carrag' McBren/Walterus Carragh' Obren	Walter/William Carragh' Ó Briain or Mac Breen of Aherlow ³
Cormack' McCarthi	Cormac Mac Carthaigh (Mac Carthy) ⁴
Dermicium filium Dermiscii McCarthi/Dermicius McDermod	Diarmaid Óg Mac Carthaigh ⁵
McConmarre	Mac Conmara (Mac Namara) ⁶
McMahund	Mac Mathghumhna (Mac Mahon) ⁷
Gregorius McRyry	Gregory Mac Ruaidrí ⁸
Breen OBreen	Brian Bán Ó Briain ⁹
Okiste	Archibald Ó Caoimh (O'Keefe) ¹⁰
Oshethe	Ó Séaghdha (O'Shea) ¹¹

The Irish in Desmond's service: 1340s¹²

Name Given in the Inquisitions	Identification
Cormack' McCarthi	Cormac Mac Carthaigh ¹³
Dermot fitz Dermot McCarthi	Diarmaid Óg Mac Carthaigh ¹⁴
Donghwyth' fitz Dermot McCarthi	Donnchadh son of Diarmaid Óg Mac Carthaigh ¹⁵
Douenaldus Carbragh' McCarthi	Domhnall Cairbreach Mac Carthaigh ¹⁶
<i>McCogan</i>	<i>Cogan</i> ¹⁷
Mcdoughy ¹⁸	
<i>Mcgyboun</i>	<i>fitz Gibbon</i> ¹⁹
Mckeu. ²⁰	
Mclone	Mac Clúin (Mac Clune) ²¹
McMurmoryn ²²	
McTenyn ²³	
Breen Obreen	Brian Bán Ó Briain (O'Brian) ²⁴
Ocassy	Ó Cathasaigh (O'Casey) ²⁵
Oconwyr/Okonchir/Oconghir de Kery	Ó Conchobhair Ciarraige-Luachra (O'Connor of Kerry) ²⁶
Ocurk	Ó Cuirc (O'Quirke) ²⁷
Odoly	Ó Dálaigh (O'Daly) ²⁸
Odymysy	Ó Dímusai (O'Dempsy) ²⁹
Offlyn	Ó Floinn (O'Flynn) ³⁰
Ogarn	Ó Corráin (O'Curran) ³¹
Ogeghyn ³²	
Ohynelan ³³	
Okailaghan	Ó Ceallacháin (O'Callaghan) ³⁴
Okerny	Ó Cearnaigh (O'Kearney) ³⁵
Okyff	Ó Caoimh (O'Keefe) ³⁶
Okyll	Ó Cuill (O'Quill) ³⁷
Olyne	Ó Laighin (O'Lyne) ³⁸
Omahoun/Ymahoun	Ó Macháin (O'Maghan) or Ó Mócháin (O'Mohan) ³⁹
Onell	Ó Néill (O'Neill) ⁴⁰
Oreilly	Ó Raithile (O'Rahilly) ⁴¹
Oshethe	Ó Séaghdha (O'Shea) ⁴²

¹ 'The legal proceedings against the first earl of Desmond', G.O. Sayles (ed.) *AH*, 23, (1966) pp. 1-47.

² Leg. Proc., pp. 5-19.

³ Leg. Proc., p. 17. See Chap. 4, p. 240.

⁴ Leg. Proc., p. 18.

⁵ Leg. Proc., pp. 17-19.

⁶ Leg. Proc., pp. 12-13.

⁷ Leg. Proc., pp. 8-9.

⁸ Leg. Proc., p. 17. See Chap. 4, p. 240.

⁹ Leg. Proc., pp. 6, 8-15, 17-18.

¹⁰ Leg. Proc., p. 18.

¹¹ Leg. Proc., p. 7.

¹² Leg. Proc., pp. 19-46.

¹³ Leg. Proc., pp. 22, 26-7, 46.

¹⁴ Leg. Proc., pp. 22, 31, 37, 39-41, 46.

¹⁵ Leg. Proc., pp. 31, 37, 39-41.

¹⁶ Leg. Proc., pp. 39-40.

¹⁷ It seems probable that McCogan refers to a branch of the Anglo-Irish lineage, the Cogans rather than an Irish lineage with a similar name.

¹⁸ Leg. Proc., p. 40.

¹⁹ The fitz Gibbons were a cadet branch of the Geraldines based in western Limerick. It seems probable that Mcgyboun refers to this Anglo-Irish lineage rather than an Irish lineage with a similar name (see Chap. 4, p. 240).

²⁰ Leg. Proc., p. 39.

²¹ Leg. Proc., p. 28.

²² Leg. Proc., p. 40.

²³ Leg. Proc., p. 23.

²⁴ Leg. Proc., p. 27.

²⁵ Leg. Proc., p. 26.

²⁶ Leg. Proc., pp. 21-2, 26-7, 45-6.

²⁷ Leg. Proc., p. 26.

²⁸ Leg. Proc., p. 28.

²⁹ Leg. Proc., p. 26.

³⁰ Leg. Proc., p. 40.

³¹ Leg. Proc., p. 28.

³² Leg. Proc., p. 23.

³³ Leg. Proc., p. 28.

³⁴ Leg. Proc., p. 40.

³⁵ Leg. Proc., p. 39.

³⁶ Leg. Proc., p. 40.

³⁷ Leg. Proc., p. 23.

³⁸ Leg. Proc., p. 33.

³⁹ Leg. Proc., pp. 39-40.

⁴⁰ Leg. Proc., p. 28.

⁴¹ Leg. Proc., p. 39.

⁴² Leg. Proc., pp. 23, 28.

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